

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**ORGANIZATIONAL**  
**SESSION OF 1987**

**HELD IN THE CITY OF MONTGOMERY,  
COMMENCING TUESDAY, JANUARY 13, 1987**



**Vol. 1**

**WITH AN INDEX PREPARED BY THE  
SECRETARY OF THE SENATE**

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**JOURNAL  
OF THE  
SENATE  
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ORGANIZATIONAL SESSION OF 1987**

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**FIRST DAY**

**TUESDAY, JANUARY 13, 1987**

This being the second Tuesday in January, A.D., 1987, and the day fixed by law and the Constitution of the State of Alabama for the Organizational Session of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery, at the Alabama State House, at 12 o'clock Noon, and was called to order by Lieutenant Governor Baxley. McDowell Lee, Secretary, was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by the Reverend Dan Morris, Minister, East Tallassee United Methodist Church and the Carrville United Methodist Church, East Tallassee, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Chad Crawford, Pizitz Middle School, Vestavia, Alabama.

**CERTIFICATE OF ELECTION**

At the direction of the President and Presiding Officer of the Senate, the Secretary read the following Certificate of Election from the Secretary of State, to-wit:

**CERTIFICATION OF RESULTS FOR GENERAL ELECTION  
HELD ON NOVEMBER 4, 1986 FOR MEMBERS  
OF THE ALABAMA STATE SENATE**

|                   |   |
|-------------------|---|
| STATE OF ALABAMA  | ) |
|                   | ) |
| MONTGOMERY COUNTY | ) |

Pursuant to Chapter 14 of Title 17 of the Code of Alabama, 1975, as amended, I Don Siegelman, Secretary of State of the State of Alabama, do hereby certify that the results of the General Election held in Alabama on November 4, 1986, were opened and counted and that the results so tabulated are attached hereto listing those duly elected members of the Alabama State Senate.

District No. 1, Bobby Denton; District No. 2, Jim Smith; District No. 3, Ray Campbell; District No. 4, Don Hale; District No. 5, Charles Bishop; District No. 6, Roger Bedford; District No. 7, Bill G. Smith; District No. 8, Lowell Barron; District No. 9, Loyd Coleman; District No. 10, Bill Drinkard; District No. 11, Jim Preuitt; District No. 12, Donald G. Holmes; District No. 13, Gerald Dial; No. 14, Frank Butch Ellis, Jr.; District No. 15, John Amari; District No. 16, William J. Cabaniss, Jr.; District No. 17, Mac Parsons; District No. 18, Fred Horn; District No. 19, Jim Bennett; District No. 20, Earl F. Hilliard; District No. 21, Ryan deGraffenried; District No. 22, Rick Manley; District No. 23, Hank Sanders; District No. 24, Earl Goodwin; District No. 25, Larry Dixon; District No. 26, Charles Langford; District No. 27, John Rice; District No. 28, Danny Corbett; District No. 29, Chip Bailey; District No. 30, J. Foy Covington, Jr.; District No. 31, E. C. Crum Foshee; District No. 32, Perry Hand; District No. 33, Michael A. Figures; District No. 34, Ann Bedsole; District No. 35, Bill Menton.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, in the City of Montgomery, on this day.

January 2, 1987

DON SIEGELMAN,  
Secretary of State.

### STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer of the Senate made the following statement relative to the Oath of Office, to-wit:

"The oath of office prescribed by the Constitution of the State of Alabama has previously been administered to the following members of the Senate certified elected by the Secretary of State on November 4, 1986, their credentials having been presented, and oath of office subscribed to by each Senator, to-wit:

"John Amari, Chip Bailey, Lowell Barron, Roger Bedford, Ann Bedsole, Jim Bennett, Charles Bishop, Bill Cabaniss, Ray Campbell, Loyd Coleman, Danny Corbett, Foy Covington, Jr., Ryan deGraffenried, Jr., Bobby Denton, Gerald O. Dial, Larry Dixon, Bill Drinkard, Frank Ellis, Jr., Michael A. Figures, Crum Foshee, Earl Goodwin, Don Hale, Perry A. Hand, Earl Hilliard, Donald Holmes, Fred Horn, Charles D. Langford, Rick S. Manley, William J. Menton, Mac Parsons, Jim Preuitt, John Rice, Henry (Hank) Sanders, Bill G. Smith, Jim Smith."

### ROLL CALL

Whereupon, on a call of the roll, the following Senators answered to their names, a quorum of the Senate:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Manley    |
| Amari     | Coleman       | Figures  | Menton    |
| Bailey    | Corbett       | Foshee   | Parsons   |
| Barron    | Covington     | Goodwin  | Preuitt   |
| Bedford   | deGraffenried | Hale     | Rice      |
| Bedsole   | Denton        | Hand     | Sanders   |
| Bennett   | Dial          | Holmes   | Smith (B) |
| Bishop    | Dixon         | Horn     | Smith (J) |
| Cabaniss  | Drinkard      | Langford |           |

—34

### LEAVE OF ABSENCE

On motion of Senator Holmes, leave of absence was granted Senator Hilliard for today.

### ELECTION OF OFFICERS

The President and Presiding Officer of the Senate announced that the next order of business was the election of officers as follows: President Pro Tempore and Assistant Secretary.

#### ELECTION OF PRESIDENT PRO TEMPORE

Senator Ellis placed in nomination for President Pro Tempore of the Senate the name of the Honorable Ryan deGraffenried, Jr., which nomination was seconded by Senator Foshee. On motion of Senator Dixon, the nominations were closed.

Those who voted for Senator deGraffenried are:

Yeas 33; Nays 0.

Abstaining 1.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Campbell  | Figures  | Manley    |     |
| Amari     | Coleman   | Foshee   | Menton    |     |
| Bailey    | Corbett   | Goodwin  | Parsons   |     |
| Barron    | Covington | Hale     | Preuitt   |     |
| Bedford   | Denton    | Hand     | Rice      |     |
| Bedsole   | Dial      | Holmes   | Sanders   |     |
| Bennett   | Dixon     | Horn     | Smith (B) |     |
| Bishop    | Drinkard  | Langford | Smith (J) |     |
| Cabaniss  | Ellis     |          |           | —33 |

*Nays:* —0

*Abstaining:* Senator deGraffenried —1

Senator deGraffenried, having received a unanimous vote of the Senate, was declared duly and constitutionally elected President Pro Tempore of the Senate for the term prescribed by law.

#### OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the Honorable Bill Baxley to the Honorable Ryan deGraffenried, Jr., President Pro Tempore.

#### ELECTION OF ASSISTANT SECRETARY

Senator deGraffenried placed in nomination for Assistant Secretary of the Senate the name of John D. Crawford, seconded by Senators Holmes, Goodwin, and Rice. On motion of Senator Covington, nominations were closed.

Those who voted for Mr. Crawford are:

Yeas 34; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Ellis    | Manley    |     |
| Amari     | Coleman       | Figures  | Menton    |     |
| Bailey    | Corbett       | Foshee   | Parsons   |     |
| Barron    | Covington     | Goodwin  | Preuitt   |     |
| Bedford   | deGraffenried | Hale     | Rice      |     |
| Bedsole   | Denton        | Hand     | Sanders   |     |
| Bennett   | Dial          | Holmes   | Smith (B) |     |
| Bishop    | Dixon         | Horn     | Smith (J) |     |
| Cabaniss  | Drinkard      | Langford |           | —34 |

*Nays:* —0

Mr. Crawford, having received a unanimous vote of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate, for the term prescribed by law.

### OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the President and Presiding Officer of the Senate to the Honorable John D. Crawford, Assistant Secretary of the Senate.

### PRESIDENT PRO TEMPORE ASSUMES CHAIR

At 12:55 P.M., Lieutenant Governor Baxley escorted President Pro Tempore deGraffenried to the Chair, presented him with the gavel, and President Pro Tempore deGraffenried assumed the Chair.

### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House has perfected its organization and elected its permanent officers;

Speaker of the House:  
Speaker Pro-Tem:

Jimmy Clark  
Jim Campbell

and is now ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Senator Drinkard offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

And the President Pro Tempore appointed as members on part of the Senate Senators Goodwin, Denton, and Figures.

Senator Drinkard then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 2:00 P.M. on January 14, 1987, for the purpose of

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hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

And the President Pro Tempore appointed as members on part of the Senate Senators Goodwin, Denton, and Figures.

Senator Smith (J) offered the following Senate Joint Resolution, to-wit:

**S. J. R. 3. SETTING MEETING DAYS OF THE LEGISLATURE.**

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 14, 1987.

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

**MOTION TO ADJOURN**

Senator Smith (J) moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, January 14, 1987, at 12:30 P.M., which motion was adopted.

**RESOLUTION**

Senator Denton offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. RELATIVE TO A JOINT SESSION OF THE ALABAMA LEGISLATURE.**

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature meet in joint convention in the Hall of the House of Representatives at 1:30 P.M. January 14, 1987, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 4, 1986, as required by Section 115 of the Constitution of Alabama.

On motion of Senator Denton, the Resolution was adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.**

And the Speaker of the House has appointed as members on part of the House Reps. Blake, Reed, and Bugg.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

And the Speaker of the House has appointed as members on the part of the House Reps. Drake, Blake, and Turner.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 3. SETTING MEETING DAYS OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Senator Foshee offered the following Senate Resolution, to-wit:

S. R. 5. ADOPTION OF SENATE RULES.

RESOLVED BY THE SENATE OF ALABAMA That the following be adopted as the Rules of the Senate for the quadrennium 1987-1990, to-wit:

### GENERAL RULES OF ORDER AND PROCEDURE

RULE 1. (a) The presiding officer shall call for a prayer to be delivered by the Chaplain of the Day. (b) The presiding officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America. (c) The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. However, in the absence of the President, the President Pro Tempore shall assume this duty. In the absence of both President and President Pro Tempore, this duty shall be the responsibility of the Committee Chairperson in the order listed in Rule 49. The President shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 38.

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**RULE 2.** Unless it is otherwise specifically provided for by resolution or motion, the Senate shall meet at ten o'clock a.m., except on Mondays, when the Senate shall convene at twelve o'clock noon; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.

**RULE 3.** When the question of a quorum has been requested, the roll called and the absence of a quorum has been determined then the Senate shall stand in adjournment until the following calendar day unless otherwise provided for by resolution or motion.

**RULE 4.** No person shall be admitted to the floor of the Senate's Chamber while the Senate is in session except members. Former members of the Legislature, the officers and employees of the two houses, the employees of the presiding officer, the Governor and his Secretary, representatives of the press, the directors and employees of the Department of Archives and History, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work shall also be admitted to the floor and all of whom shall be placed by the Secretary of the Senate. On the first legislative day of any regular, special or organizational session, the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.

**RULE 5.** Only the presiding officer of the Senate shall introduce visitors in the Senate gallery. Such introductions shall be made at the request of any Senator, but only at such time as will not interrupt or disturb the orderly transaction of the business of the Senate.

**RULE 6.** No person shall be allowed to lobby in the Senate's chamber while the Senate is in session.

**RULE 7.** No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate's chamber to present any petition, memorial, or address, or to have any such petition, memorial, or address read.

**RULE 8.** After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Uncontested local bills;
- 8th, Consent Calendar;
- 9th, Bills on third reading;

10th, Special orders of the day at twelve o'clock noon;

11th, Other business.

**RULE 9.** The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution reported by the Committee on Rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

**RULE 10.** Under call of the districts, only bills shall be introduced.

**RULE 11.** No bills other than local, advertised or otherwise, shall be introduced in the Senate during a regular session after the Senate adjourns on the 24th legislative day.

**RULE 12.** The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day. This rule shall not apply to the eighth order of business (Rule 8), the Consent Calendar, except as provided in subparagraph 7 of Rule 14.

**RULE 13.** Each motion or resolution for a bill to be placed on the Consent Calendar or for a special order shall be first referred to and reported from the Committee on Rules.

**RULE 14.** After a bill appears on the regular calendar, the sponsor of a Senate bill may, during the period for considering motions and resolutions, request that the bill be referred to the Committee on Rules for placement on the Consent Calendar. Any member of the Senate may, during the call for motions and resolutions, upon motion, request that a House Bill be referred to the Committee on Rules for inclusion in the Consent Calendar. The referral to the Committee on Rules shall be limited to considering the bill for placement on the Consent Calendar, except as provided in subparagraphs (4) and (7) of this rule. Such request shall be deemed a privilege and shall be subject to the following procedures:

(1) During each session each Senator is limited to three requests for Senate bills and three requests for House bills to be referred to the Committee on Rules for placement on the Consent Calendar, whether such bills are placed on said calendar or not; provided, however, upon suspension of the rules a Senator may be entitled to exceed the number of requests stipulated herein;

(2) Unless the Clerk of the Committee on Rules receives written objections from five or more Senators, this bill will be automatically placed on the Consent Calendar; any objection must be received by the Clerk prior to the end of the second legislative day after the motion for placement on the Consent Calendar is made;

(3) If five or more written objections are received by the Clerk of the Committee on Rules, the request for placing the bill on the Consent Calendar shall fail automatically and the bill shall revert to the Regular Order Calendar when the Rules Committee next reports, under the fourth order of business (Rule 8); the Secretary shall place such bill at the end of the Regular Order Calendar;

(4) Bills on the Consent Calendar shall not be amended or substituted in any manner, nor subject to any motion except a motion to correct typographical, grammatical or technical errors, or a motion to suspend the rules, unless such motion shall be ruled by the Chair as dilatory; provided, however, if a House bill, appearing on the Regular Senate Calendar, is



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identical in every respect and form to the Senate version, such bill may be offered as a substitute;

(5) The total time for debate on each bill shall not exceed thirty minutes, at which time a vote thereon shall be taken;

(6) The total time for consideration of the Consent Calendar shall not exceed two hours. If the two-hour period expires before the end of the time allotted in (5) above, the bill under debate shall be the first order of business on the Consent Calendar for the next day and prior time used for debate shall be deducted from the total allowed each bill; and each bill shall retain its position on said calendar until acted on by the Senate;

(7) After the 24th legislative day of a regular session or after the 10th legislative day of a special session, the Senate may, upon adoption of a resolution from the Rules Committee, establish a Special Order Consent Calendar from bills appearing on the Consent Calendar;

(8) Resolutions and local legislation shall not be eligible for placement on the Consent Calendar;

(9) After the 24th legislative day of a regular session or after the 7th legislative day of a special session, no motions for placing bills on the Consent Calendar shall be in order.

**RULE 15.** Bills on third reading postponed to a day certain shall take precedence over other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

**RULE 16.** When reports of standing committees are in order, the committee last occupying the floor shall be entitled to the floor.

**RULE 17.** Every motion shall be reduced to writing upon request of the presiding officer or of any Senator. Written motions shall be delivered to the Secretary at the desk and read before the same shall be debated.

**RULE 18.** Before any memorial or petition addressed to the Senate shall be received and read at the desk, a brief statement of its contents shall be made by the introducer.

**RULE 19.** When a question is under debate, no motion shall be received but: (1) to adjourn, (2) adjourn to a day certain, (3) to lay on the table, (4) to postpone indefinitely, (5) to postpone to a day certain, (6) to commit, or (7) to amend, which several motions shall have precedence in the order they stand arranged. The motions to adjourn, to adjourn to a day certain, and to lay on the table shall always be in order and shall be decided without debate.

**RULE 20.** The motion to lay on the table an amendment or substitute shall not carry with it the original bill, resolution, or proposition.

**RULE 21.** The Committee on Rules may at any time report a special rule that debate on any measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by eighteen or more senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if

three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

**RULE 22.** Messages may be introduced at any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

**RULE 23.** No discussion or debate shall be allowed while a vote is being taken.

**RULE 24.** Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

**RULE 25.** When the reading of any paper is called for and the reading of same is objected to by a member, the question shall be determined by a vote of the Senate without debate.

**RULE 26.** If the question in debate contains several points, any member may call for a division. It shall not be in order, however, to move for a division of the question on a motion to strike out and insert.

**RULE 27.** The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall a subsequent motion simply to strike out prevent a subsequent motion to strike out and insert.

**RULE 28.** In filling blanks, the largest sum and longest times shall be put first.

**RULE 29.** When a vote has been taken on any question, other than a motion to adjourn, adjourn to a day certain, or to lay on the table, it shall be in order for any Senator of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate. Nor shall any motion for a reconsideration be in order unless it is made on the same day on which the vote was taken, or by twelve o'clock noon the next day, or one hour after the Senate convenes, if after twelve o'clock.

**RULE 30.** Resolutions proposing amendments to the Constitution or requiring the approbation or signature of the President or granting money out of funds appropriated for the Legislature shall be treated in all respects in the introduction and form of proceedings thereon as bills.

**RULE 31.** All motions to go into executive session shall be decided without debate.

**RULE 32.** Executive messages shall be considered with open doors unless it is otherwise requested in the message or otherwise ordered by a vote of the Senate.

**RULE 33.** All nominations and appointments shall be referred to, and be reported from the Committee on Rules before consideration by the entire Senate. If the Senate rejects a nomination or appointment, it will either forward its rejection to the Secretary of the Senate who shall forward the rejection to the appointing authority and request a new nominee be submitted, or, in the event that the pertinent statute permits, the Senate may select a substitute appointment.

**RULE 34.** The final question upon every bill or resolution requiring three readings prior to passage shall be put in this form: "Shall the bill (or resolution) be read a third time?" No amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, except by unanimous consent of all members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its recommitment, and if such recommitment takes place and an amendment is reported by the committee, the said bill, resolution, constitutional amendment, or motion shall be again read a second time, and then the aforesaid question shall be put.

**RULE 35.** During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 26th legislative day.

**RULE 36.** No motion to alter, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, which notice shall specify precisely the rule or part thereof proposed to be suspended, modified, or amended. Before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and said committee must report thereon. Any rule may be suspended by the consent of the Senate unless one or more Senators object thereto. Any Senators objecting to a suspension of the rules will be identified by name and upon request of any other Senator, the name of any objecting Senator shall be entered into the record. Any change or alteration of the rules shall be decided by a majority vote after proper consideration by the Committee on Rules.

**RULE 37.** During the period between the end of the regular session and the convening of the next regular session, members may deliver bills to the Secretary of the Senate, which shall be known as "pre-filing". Such bills shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session; provided, however, that no bill shall be pre-filed under this Rule after the commencement of the last regular session of the Legislature in any quadrennium and before the organizational session following general election.

### **RULES RELATING TO SENATORS**

**RULE 38.** No Senator shall absent himself or herself from the service of the Senate for as long as one day, without leave of the Senate first obtained. In case a lesser number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or some other person for any or all absent Senators, as the majority of the Senators present shall agree. The expense of sending for an absent Senator shall be paid by the absentee, unless an excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient. In which event, the expense of securing the attendance of such absent Senator shall be paid out of funds appropriated for the Legislature.

**RULE 39.** When the yeas and nays shall be called for by three or more Senators, each Senator called upon shall, unless for special reasons be excused by the Senate, declare openly and without debate, his or her assent or dissent to the question. No members shall be permitted to vote after the decision is announced from the chair. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

**RULE 40.** No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time; provided, however, debate on resolutions and debatable motions shall be subject to a reasonable time limit at the discretion of the President. The originator of the pending question, or the Chairperson of the Committee reporting the measure, shall have the right to conclude the debate.

**RULE 41.** When a Senator shall be called to order by the President, he or she shall immediately sit down.

**RULE 42.** The Secretary shall cause to be printed for the use of each Senator, and each Senator shall promptly execute, a form on which there shall appear a place for the signature of such Senator and above it a statement of the names and addresses of each public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry subject to regulation by the Alabama Public Service Commission with which the Senator may have been, at that time or any time within one year prior to the convening of the first regular session of each quadrennium, connected, as agent, employee, officer, director or attorney, or from which he or she receives, or has during such time received, compensation, direct or indirect, or has received a pass or rate concession or reduction of any nature whatsoever. If no such connection exists, a statement to that effect shall be made. Executed forms, and an unfilled form bearing the name of each Senator who fails to execute a form, shall be bound in alphabetical order, in a permanent volume, on or before the fifth legislative day of the first regular session of each quadrennium, which volume shall be kept open to public inspection in the office of the Secretary while the Senate is in session and shall be thereafter deposited with the permanent records of the Legislature.

### **RULES RELATING TO PRESIDING OFFICER**

**RULE 43.** In the absence of the President when the Senate convenes, the President Pro Tempore shall preside except as provided for in Rule 1; however, any other rule to the contrary notwithstanding, the President shall have the right to name a member to perform temporarily the duties of the Chair.

**RULE 44.** All questions shall be put by the Chair, and members shall signify assent or dissent by answering yea or nay. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is not recorded as voting, the Chair shall, before announcing the vote, on his or her own motion or on suggestion of any Senator, instruct the Secretary to record as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote.

**RULE 45.** Every question of order shall be decided by the Chair without debate, subject to an appeal to the Senate, which must be made on the same legislative day. The Chair may call for the sense of the Senate on any question of order or on any other matter properly before the Senate.

**RULE 46.** Any other rule to the contrary notwithstanding, when two or more Senators rise at the same time, the Chair shall name the Senator who is to speak first.

**RULE 47.** The Chair shall give notice at each reading of a bill whether it be the first, second, or third.

**RULE 48.** All committees of the Senate and the Chairperson, Deputy Chairperson, Vice Chairperson, Subcommittee Chairperson, and members thereof shall be named by the President elected to serve for the quadrennium concurring with the term of the Senators adopting these rules and shall serve at the pleasure of the presiding officer; provided, however, that the removal of any Senator from any committee position shall be subject to the consent of a majority of the members elected and such vote shall take place upon the same day as the filing of said motion for removal by the President.

### **RULES RELATING TO COMMITTEES**

**RULE 49.** There shall be seventeen (17) standing committees on the following subjects:

(1) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Banking and Insurance shall consist of eleven (11) members.

(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules or its Chairperson shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 9); motions for placing bills on the Consent Calendar (Rule 14); motions or resolutions for a Special Order Consent Calendar (Rule 14 (7)); motions or resolutions for a Special Order (Rule 9, 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 21); executive nominations and appointments (Rule 33); propositions to suspend, modify, or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55). Also, the committee on rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 18 & 20). The Committee on Rules shall consist of seven (7) members.

(3) Health, to which committee shall be referred all bills and other matters concerning the health of the people of Alabama. The Committee on Health shall consider bills and other matters relating to medical care, hospitals, and other health care facilities, the mental health program, and mental institutions, and other health care programs in general. The Committee on Health shall consist of nine (9) members.

(4) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations [except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rules 54 and 75 (2)], expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations,

previously referred to another committee, as authorized by Rules 54 and 75 (2). The Committee shall consist of eighteen (18) members.

The Finance and Taxation Committee shall be divided into two (2) eleven member subcommittees. The Chairperson and Deputy Chairperson of the Finance and Taxation Committee shall serve as voting members of both subcommittees. The Chairperson of the Finance and Taxation Committee, or, in the event of his or her absence, the Deputy Chairperson shall preside at meetings of both subcommittees. The President of the Senate shall also appoint a Vice Chairperson of each subcommittee. One Subcommittee shall be referred to as the Finance and Taxation Subcommittee on Education and the other Subcommittee shall be referred to as the Finance and Taxation Subcommittee on General Funding. In addition to each subcommittee Chairperson being a voting member of his or her subcommittee, he or she shall also be a voting member of the other subcommittee. The two respective subcommittees shall consider the two basic appropriations as separate and distinct entities. The chairperson, in his or her complete discretion, shall refer all other bills assigned to the Finance and Taxation Committee to either of the two subcommittees. If either of the two subcommittees vote to give a favorable report to its respective bills, then the bill shall be reported out favorably by the committee to receive its second reading.

(5) Economic Affairs, to which committee shall be referred all bills pertaining to Alabama's economy. There shall be two (2) Subcommittees of the Committee on Economic Affairs: Consumer Affairs and International and Domestic Trade, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Consumer Affairs shall deal with all bills that affect the state's consumer involvement in the purchase or use of consumer goods and services. The Subcommittee on International and Domestic Trade shall deal with bills affecting international and domestic trade. The Committee on Economic Affairs shall consist of eleven (11) members.

(6) Judiciary, to which committee shall be referred all bills and other matters concerning: the judiciary, judicial proceedings, law enforcement and penal and correctional institutions and programs. The Committee on Judiciary shall also be referred all bills, resolutions and other matters concerning proposed amendments to the Constitution of Alabama, as well as bills proposing a new Alabama Constitution and resolutions or bills calling for the convening of a Constitutional Convention for the purpose of rewriting the Alabama Constitution. The Committee shall consist of eleven (11) members.

(7) Governmental Affairs, to which committee shall be referred all bills, resolutions, and other matters concerning: elections, the organization and operation of State government, including matters relating to the organization, reorganization, establishment, or abolition of any department, board, commission, or other agency of State government, and matters pertaining to the merit system, or otherwise related to employment in the State Civil Service, and the organization of and government of any incorporated municipalities in the State of Alabama and all other bills and matters relating to counties in Alabama. There shall be two (2) Subcommittees of the Committee on Governmental Affairs: Military Affairs and Student Affairs, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Military Affairs shall deal with all bills relating to military affairs and the National Guard. The Subcommittee on Student Affairs shall deal with all bills relating to the affairs and activities of youth, including student

grants, tuition assistance, and student loans. The committee shall consist of thirteen (13) members.

(8) Natural Resources, to which committee shall be referred all bills dealing with the protection, preservation and utilization of Alabama's natural resources or other appropriate matters. There shall be three (3) Subcommittees of the Committee on Natural Resources: Mining and Reclamation; Oil and Gas; and Waterways, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Mining and Reclamation shall deal with bills regulating the mining and reclamation of any minerals located in Alabama. The Subcommittee on Oil and Gas shall deal with bills pertaining to the exploration, capture and utilization of oil and natural gas that is located in Alabama. The Subcommittee on Waterways shall deal with all bills regulating the use of Alabama's navigable waterways, with the exception of coastal waters conservation. The Committee on Natural Resources shall consist of seven (7) members.

(9) Agriculture, Forestry and Conservation, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the state relating to forestry, fish and game, soil conservation and coastal waters conservation. There shall be two (2) Subcommittees of the Committee on Agriculture, Forestry and Conservation: Coastal Waters Conservation and Forestry, Fish and Game, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Coastal Waters Conservation shall deal with bills pertaining exclusively to coastal waters conservation, such as the regulation of commercial and game fishing in Alabama's coastal waters. The Subcommittee on Forestry, Fish and Game shall deal with bills relating to forestry, fish and game. The Committee shall consist of thirteen (13) members.

(10) Public Welfare, to which committee shall be referred all bills that affect the welfare of the people of the State of Alabama, including the operation of all programs managed by the Department of Human Resources, and matters pertaining to senior citizens and aging. There shall be (1) Subcommittee of the Committee on Public Welfare, namely the Subcommittee on Aging, which shall deal with all bills pertaining to senior citizens and aging. The Subcommittee on Aging shall consist of a Chairperson and two (2) other members. The Committee on Public Welfare shall consist of five (5) members.

(11) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of five (5) members.

(12) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including Unemployment Compensation, Workmen's Compensation, Industrial Relations, and Small Business. There shall be one (1) Subcommittee of the Committee on Business and Labor Relations, namely the Subcommittee on Small Business, which shall deal with all bills pertaining to preservation, fostering and promotion of small business in the State of Alabama. The Subcommittee on Small Business shall consist of a Chairperson and two (2) other members. The Committee on Business and Labor Relations shall consist of nine (9) members.

(13) Commerce, Transportation and Utilities, to which committee shall be referred all bills and other matters concerning commerce, motor vehicles,

traffic regulation, highways, railways, airports and air transportation facilities, and all matters related to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the state; and bills relating to ports, harbors and docks. The Committee on Commerce, Transportation and Utilities shall consist of nine (9) members.

(14) State Development and Tourism, to which committee shall be referred all bills pertaining to industrial development, the Alabama Development Office, industrial bond programs and the expansion of existing industry. The committee shall also deal with all bills relating to tourism in the State of Alabama, as well as all bills relating to parimutuel betting, gambling or games of chance. The Committee on State Development and Tourism shall consist of five (5) members.

(15) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of five (5) members.

(16) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of seven (7) members.

(17) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The committee on Local Legislation No. 3 shall consist of four (4) members.

**RULE 50.** (a) No committee, with the exception of the Committee on Rules, shall meet on the Senate floor while the Senate is in session. No committee shall meet off the Senate floor while the Senate is in session unless the time and place shall be previously announced by the presiding officer.

(b) Each committee shall have investigatory powers and is authorized to hold hearings on any subject under its jurisdiction, to require attendance, upon appropriate notice, of State government officials and/or employees to give testimony at such hearings, and to formulate reports and recommendations regarding the activities or actions of such agency or department being investigated or reviewed by such committee.

(c) With the exception of the two (2) Subcommittees of the Committee on Finance and Taxation, the procedures governing subcommittees shall operate in the following manner. The Chairperson of a standing committee containing subcommittees may assign any bill referred to the whole committee to any one of its subcommittees. All rules governing the meetings of committees apply to subcommittees, except as hereinafter stated. If a subcommittee gives a bill a favorable report, the full committee must still take action on the bill before it can be favorably reported for its second reading. However, the Chairperson of a committee shall have the option of removing a bill that was previously assigned to a subcommittee so that the full committee can take action on said bill.



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RULE 51. Any bill providing for or dealing with parimutuel betting, gambling or games of chance shall first be assigned to the appropriate Local Legislation Committee. If the appropriate Local Legislation Committee gives the bill a favorable report, said bill shall then be referred to the appropriate standing committee and be treated in all further respects as a general bill.

RULE 52. Every bill, petition, memorial, or other paper shall, upon the first reading thereof, be referred by the President or presiding officer to a standing committee having the subject matter thereof for consideration.

RULE 53. When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first. A select committee is a committee appointed by the Chair to study one specific question and ceases to exist when the purpose for which it was selected has been resolved.

RULE 54. A bill or resolution carrying an appropriation may be referred to a committee other than the Committee on Finance and Taxation if the subject matter requires such referral in the judgment of the presiding officer. However, such bill or resolution may also be referred to (on a motion proposed by a member and approved by majority vote) and reported by the Committee on Finance and Taxation after being given a second reading.

RULE 55. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate. This rule shall not apply to resolutions requiring immediate consideration. Resolutions of congratulation, commendation or sympathy may be reported by the Committee on Rules, in resolution form, en masse for adoption by the Senate; provided, however, any such resolution so reported, which requires action other than congratulating, commending or expressing sympathy, shall be void ab initio.

RULE 56. When a bill has been acted upon by a standing committee, the committee's Chairperson shall endorse on said bill:

This bill was referred to the Standing Committee of the Senate on \_\_\_\_\_ and was acted upon by such Committee in session and is by order of the Committee returned therefrom with \_\_\_\_\_ report by a vote of yeas \_\_\_\_\_ nays \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Chairperson

RULE 57. The final vote of a committee on a bill shall be recorded and kept as a permanent record in the office of the Secretary of the Senate. No bill shall receive its second reading without the final vote of a committee attached thereto. This rule shall not apply to local bills.

RULE 58. A committee may return a bill or resolution for its second reading without recommendation which shall constitute action by such committee.

RULE 59. No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

RULE 60. The Committee on Rules may report at any time and action on any of its reports shall take precedence over all other business.

RULE 61. Whenever the Chairperson of any committee shall refuse to call a meeting of such committee, then a majority of the members of the

committee may call a meeting by giving one day's written notice setting the time and place for such meeting. Such notice shall be read by the Secretary and posted in the Senate Chamber. Whenever the Chairperson and Vice Chairperson are absent at any committee meeting, a majority of a committee may designate any member of the committee as Acting Chairperson for that particular meeting only.

### **RULES RELATING TO THE SECRETARY AND THE JOURNAL**

**RULE 62.** The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account thereof. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each item of legislation presented to the Senate shall be inserted thereon.

**RULE 63.** The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal.

**RULE 64.** The Secretary shall, on the introduction of bills, make a photocopy of each bill to be designated as a second official copy, and shall make an entry in the journal as follows:

#### **"INTRODUCTION OF BILLS**

"Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows: (Here set out the number, title and sponsors of each bill introduced and the name of the committee to which it was referred. The name of the chief sponsor shall be underscored on the original bill.)"

**RULE 65.** When a bill shall be returned from a standing committee, the Secretary shall make the journal read:

"Senator \_\_\_\_\_, Chairperson of the standing committee on \_\_\_\_\_, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a \_\_\_\_\_, which bills were severally read a second time and placed on the calendar, to-wit:"

**RULE 66.** On the signing of bills or resolutions, the Secretary shall make the journal read:

#### **"SIGNING OF BILLS (OR RESOLUTIONS)**

"The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Message) from the House, or Report from the Committee on Rules as the case may be."

**RULE 67.** Messages shall be sent to the House of Representatives by the Secretary, who shall endorse the final determination of the Senate thereon.

**RULE 68.** The Secretary shall provide the Chairperson of each standing committee with a stamp with which to make endorsements on bills. Each standing committee of the Senate shall be furnished a secretary or clerk by

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the Secretary of the Senate. Office space shall be provided to the President Pro Tempore and to the Chairpersons of standing committees as such space is made available to the Senate.

RULE 69. Upon adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment and the name of the member on whose motion adjournment was adopted.

RULE 70. If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The presiding officer shall then judge the matter, and rule accordingly.

RULE 71. The Secretary shall furnish to the members daily a printed calendar of all bills and resolutions on third reading and such calendar shall be designated "Regular Order Calendar". The bills and resolutions listed therein shall be arranged in the order in which they are entitled to consideration.

The Secretary also shall furnish to the members daily a printed calendar designated as "Consent Calendar" which shall list all bills placed thereon by the Committee on Rules and those bills which are pending for placement on the said Consent Calendar.

The Secretary also shall furnish to the members daily a printed list of those bills which are being held in Rules Committee for placement on the Consent Calendar as prescribed in Rule 14.

In the event a Special Order Calendar is adopted for more than one day, but is not a continuing order of business until disposed of, then such bills on special order shall be returned to their original position on the Regular Order Calendar occupied by them before the adoption of the special order. Whenever the calendar contains more than twenty-five (25) pages, a numerical index of all Senate and House bills contained in that day's calendar (with the number of the page on which the bill appears in the calendar printed opposite the bill's assigned number) shall be printed on the last pages of that day's calendar, or on a separate pamphlet which can be slipped into the back of the calendar.

In the event a special order is adopted from bills appearing on the Consent Calendar, the Secretary also shall furnish to the members daily a calendar designated "Special Order Consent Calendar" (Rule 14 (7)). If such calendar is not a continuing order of business until disposed of, then such bills remaining on the Special Order Consent Calendar shall be returned to their original position on the Consent Calendar occupied by them before the adoption of said Special Order Consent Calendar.

RULE 72. The Secretary shall cause to be printed and distributed among the members of the Senate a pocket-sized book or pamphlet, which shall include the following information: (a) a picture and brief biography of each Senator, his or her address, home and business phone, and committee assignments; (b) a list of Senate committees and their memberships; (c) Senate and joint rules; (d) a brief explanation of the legislative process including legislative powers, qualifications, and duties of legislators; and (e) instructions for the drafting of bills.

RULE 73. The Secretary shall not employ any person as a page who is under the age of twelve (12) years.

**RULE 74.** Every bill or resolution making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by the Senate, have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in revenue collections under the provisions of the bill. The fiscal note shall be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill or resolution on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee on Finance and Taxation. No bill or resolution shall be given its third reading if affected by this rule, unless it has affixed thereto a valid fiscal note.

**RULE 75.** (1) All general bills or resolutions creating or making or eliminating a program requiring the expenditure of funds by local unit of government causing to be made an appropriation from any county or municipal treasury shall have endorsed and attached thereto a reliable estimate of the money involved therein and the anticipated increase or decrease in spending and the increase or decrease of the anticipated revenue and the general fiscal impact on counties and municipalities of the provisions of the bill.

(2) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph (1) above and must be referred to the Committee on Rules.

(3) All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the chief legislative fiscal officer as being substantially accurate to the best of his knowledge, information and belief.

**RULE 76.** No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar. Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Secretary of the Senate.

**RULE 77.** The indices of the Senate Journals shall include a topic index of all bills referenced in the journals, a numerical index, a sponsor index and an index of "Miscellaneous Subjects." The indices shall be distinguished from the textual material by the use of paper of a distinctive color and the indices shall be prefaced by a page of explanatory material that will instruct a person totally unfamiliar with the journals on the most efficient means of locating particular items of information. Speeches received in the two houses in joint sessions and printed in full in the House Journal shall carry an abridged statement in the Senate Journal and a distinct reference to the full text in the House Journal.

**RULE 78.** All salary, expense allowances or other increases in compensation or benefits of any form whatsoever of members of the legislature shall only be passed by a roll call recorded vote.

Senator Corbett offered the following amendment to the Resolution, S. R. 5, to-wit:

#### AMENDMENT TO S. R. 5

Amend Senate Resolution 5 Page 12 Line 24, by striking out entire Rule 40 and substitute new Rule 40.

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No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time. The right to speak shall not be abrogated by any means other than the invocation of Rule 22. The originator of the pending question, or the chairperson of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 27; Nays 6.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Dial     | Hand      |     |
| Amari     | Cabaniss      | Dixon    | Holmes    |     |
| Bailey    | Campbell      | Drinkard | Manley    |     |
| Barron    | Coleman       | Ellis    | Menton    |     |
| Bedford   | Covington     | Figures  | Previtt   |     |
| Bedsole   | deGraffenried | Foshee   | Rice      |     |
| Bennett   | Denton        | Hale     | Smith (J) | —27 |

*Nays:*

|           |          |         |           |    |
|-----------|----------|---------|-----------|----|
| Senators: | Goodwin  | Parsons | Smith (B) |    |
| Corbett   | Langford | Sanders |           | —6 |

Senator Smith (J) offered the following amendment to the Resolution, S. R. 5, to-wit:

**AMENDMENT TO S. R. 5**

I move to amend S. R. 5 relative to Rule 40 on page 12, line 16, by inserting after the word "motions" the following:

" , other than motions for the adoption of an amendment to a bill or substitute, a substitute to a bill, the bill itself, motions to concur or nonconcur or motions to adopt a resolution to confirm an appointment."

Which was adopted.

Senator Smith (J) then offered the following amendment No. 2 to the Resolution, S. R. 5, as amended, to-wit:

**AMENDMENT TO S. R. 5, AS AMENDED**

Amend S. R. 5, as amended, Rule 48 on page 14, line 21, by striking out the words "presiding officer" and inserting in lieu thereof the following words: "president".

Which was adopted.

Senator Foshee offered the following amendment to the Resolution, S. R. 5, as amended, to-wit:

**AMENDMENT TO S. R. 5, AS AMENDED**

Amend Senate Resolution No. 5, as amended, Page 15, Line 8, by striking out "or its Chairperson" after the word Rules

Which was adopted.

Senator Drinkard offered the following amendment to the Resolution, S. R. 5, as amended, to-wit:

#### AMENDMENT TO S. R. 5, AS AMENDED

Amend Senate Resolution 5, as amended, Page 19, Line 33, by striking out "five (5) members" after the word "of" and inserting "nine (9) members"

Which was adopted.

Senator Figures offered the following amendment to the Resolution, S. R. 5, as amended, to-wit:

#### AMENDMENT TO S. R. 5, AS AMENDED

Amend S. R. 5, as amended, Page 20, Line 32, by striking out 500,000 and inserting in lieu thereof 300,000

Which was adopted.

Senator Sanders offered the following amendment to the Resolution, S. R. 5, as amended, to-wit:

#### AMENDMENT TO S. R. 5, AS AMENDED

Amend S. R. 5, as amended, on page 22, line 15, by striking out lines 15-21.

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 27; Nays 3.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Manley    |     |
| Amari     | Campbell      | Ellis    | Menton    |     |
| Bailey    | Coleman       | Foshee   | Parsons   |     |
| Barron    | Covington     | Goodwin  | Preuitt   |     |
| Bedsole   | deGraffenried | Hale     | Rice      |     |
| Bennett   | Denton        | Hand     | Smith (B) |     |
| Bishop    | Dial          | Horn     | Smith (J) | —27 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Figures | Langford | Sanders | —3 |
|-----------|---------|----------|---------|----|

Senator Rice offered the following amendment to the Resolution, S. R. 5, as amended, to-wit:

#### AMENDMENT TO S. R. 5, AS AMENDED

Amend S. R. 5, as amended, Page 20, Line 27, by inserting after the word "chance" the following "as provided for in Rule 51"

Which was adopted.

Senator Foshee offered the following amendment No. 2 to the Resolution, S. R. 5, as amended, to-wit:

#### AMENDMENT TO S. R. 5, AS AMENDED

Amend S. R. 5, as amended, Page 24, Line 15, by striking out all language after the word "time" and inserting a period.

Which was adopted.

Senator Foshee then offered the following amendment No. 3 to the Resolution, S. R. 5, as amended, to-wit:

**AMENDMENT TO S. R. 5, AS AMENDED**

Amend S. R. 5, as amended, on page 30 by adding the following new Rule:

“Rule 79: When any question may have been decided by the Senate in which more than a majority of the members present are necessary to carry the affirmative, any Senator who voted on the side that prevailed in the question may move for a reconsideration, and such motion shall be decided by a majority vote.”

Which was adopted.

And on motion of Senator Foshee, the Resolution, S. R. 5, as thus amended, was then adopted by the Senate, and the Rules as set out in said Resolution, S. R. 5, as amended, were adopted as the Rules of the Senate for the ensuing quadrennium.

Senators Dixon and Langford offered the following Senate Joint Resolution, to-wit:

**S. J. R. 6. CONGRATULATING ROBERT E. LEE HIGH SCHOOL OF MONTGOMERY, ALABAMA, AS OUR STATE 6A FOOTBALL CHAMPIONS.**

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama extends heartiest congratulations to Montgomery's Robert E. Lee High School Generals on their 1986 Class 6A State Football Championship which is the eighth State Title for their school; and

WHEREAS, with a perfect 10-0 record in regular season play, the Generals marched through four rounds of the play-offs, defeating Selma, Carver of Montgomery, Opelika and Mobile's Vigor High—38-14, 21-0, 13-2 and 26-14, respectively; and

WHEREAS, Coach Spence McCracken's powerhouse then downed Jess Lanier of Bessemer, 13-7, to claim the State Title and the glory, both for Robert E. Lee and for the General's many faithful fans and boosters; and

WHEREAS, it is further to be noted, with highest commendation, that Lee's fifteen victories are the most wins ever in the State of Alabama by a Class 6A team; the Generals also posted 481 points for the season while holding their formidable opponents to a total of 126—an average of 32 to 8 points per game; and

WHEREAS, commendations also are in order for Head Coach McCracken's talented assistants: Coaches Jim Tuley, Jim Perry, Jim Arrington, Clay Jordan, Lorenzo Harrison, Jackie Reynolds, Mike Wilson, Sonny Vandevender, Robert Hudson and Don Griffen; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend and congratulate the Robert E. Lee High School Generals, Class 6A State Football Champions for 1986.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to Coach McCracken, on behalf of his 1986 Champions, and that

additional copies be presented to Principal Fred Guy for appropriate presentation and display at Robert E. Lee High School in Montgomery, Alabama.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon, Langford, and Corbett offered the following Senate Joint Resolution, to-wit:

**S. J. R. 7. COMMENDING THE CITIZENS OF MONTGOMERY ON THEIR INITIATION AND SUPPORT OF PROJECT SAFE PLACE.**

WHEREAS, in consensus of highest commendation the Alabama Legislature notes the initiation of Project Safe Place in Alabama's Capital City; and

WHEREAS, as a program designed to aid young people in crises, or at risk of being in crises, Project Safe Place provides assistance to runaways and to abused or neglected children; and

WHEREAS, it is further to be noted that Montgomery became the fifth city in the nation to sponsor Project Safe Place, and the first site to be designated as a haven for those in time of great need was the Governor's Mansion on South Perry Street, the first and only chief executive mansion in the United States to be so designated; and

WHEREAS, the citizens of Montgomery are indeed deserving of highest praise for their introduction and wholehearted support of Project Safe Place in their city; and

WHEREAS, also to be commended for their vision and foresight, and for their instrumental roles in the implementation and continuing support of Project Safe Place, are such dedicated individuals as: Linda Shultz, Children's Services Advocacy Liaison for the Department of Mental Health; George Holy, Director of Group Homes for Children of Montgomery; and Martha Nachman, who serves as Director of Project Safe Place; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend the citizens of Montgomery, Alabama, and those individuals as hereinabove named for the introduction and operation of Project Safe Place.

**BE IT FURTHER RESOLVED,** That copies of this resolution be provided for presentation to Linda Shultz, George Holy and Martha Nachman, and for appropriate display at Project Safe Place offices in Montgomery.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Foshee offered the following Senate Joint Resolution, to-wit:

**S. J. R. 8. MOURNING THE DEATH OF SOLON DIXON OF ANDALUSIA, ALABAMA.**

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Solon Dixon of Andalusia, Alabama, on January 10, 1987, at the age of 84 years; and

WHEREAS, a native of Andalusia, Mr. Dixon was the great-great-grandson of Jeremiah Dixon, English astronomer and surveyor of the Mason-Dixon line in the 1700s; Solon Dixon attended Lyman Ward Academy in



Camp Hill, Alabama, and was a 1926 graduate of Auburn University where he taught engineering from 1928 to 1934; and

WHEREAS, Mr. Dixon, a prominent Andalusia lumberman, also was one of Alabama's most generous benefactors to both Auburn University and Lurleen B. Wallace Junior College in Andalusia; and

WHEREAS, the Solon Dixon Forestry Center, which he founded, is an affiliate of Auburn University's School of Forestry and is located on 5,000 acres of land near Andalusia, providing University forestry students with hands-on experience at the end of their freshman year; and

WHEREAS, the performing arts center, built in 1981 at Lurleen B. Wallace Junior College, also was funded by Mr. Dixon and his wife, Martha; and

WHEREAS, Solon Dixon of Andalusia was indeed a distinguished philanthropist of incomparable generosity who shared the harvest of his success throughout his lifetime; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks to God for the gift of Solon Dixon's life, and extend deepest sympathy to his beloved wife, Martha, and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. MOURNING THE DEATH OF BOBBY JOE FAULK OF PHENIX CITY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Bobby Joe (Bob) Faulk of Phenix City, Alabama, on August 27, 1986, at the age of just 46 years; and

WHEREAS, a native of Huntsville, Madison County, Alabama, and a graduate of Austin Peay College where he played football, Bob Faulk also was a 1971 graduate of the University of Alabama School of Law; in the interim between acquisition of his undergraduate and law degrees, Mr. Faulk was first employed by Thiekol Chemical Corporation and later by Boeing Aircraft Company where he was the youngest supervisor ever, at that time, to be employed by Boeing; and

WHEREAS, Mr. Faulk enjoyed a distinguished legal career, serving as Assistant District Attorney of the Twenty-Sixth Judicial Circuit in Phenix City, Russell County, Alabama, in 1971-72 and in the private practice of law from 1973 until the time of his death; and

WHEREAS, Bob Faulk's numerous professional affiliations included the American Bar Association; East Alabama Trial Lawyer Association of which he was a founding member; the Alabama Trial Lawyers Association and its board of directors; the Executive Committee for Bar Commissioners; and the Board of Bar Commissioners for the Alabama State Bar (1980-83); and

WHEREAS, he further was a member of the American Field Services, an Exchange Student sponsor, and was a member and chairman of the Judicial/Jail Complex Committee which studied the needs of the Russell

County Courthouse that is now being renovated in keeping with the findings and recommendations of said committee; and

WHEREAS, Mr. Faulk additionally served the Phenix City Community through involvement in numerous charitable and civic activities, and as a member of St. Thomas Episcopal Church where he was chairman of the Building Committee and Chief Warden; and

WHEREAS, the death of Bob Faulk has indeed left a deep void in the life of his community and his loss is yet inconsolable to his beloved family, professional peers, the legal community and to his many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Bobby Joe (Bob) Faulk of Phenix City, Alabama, and extend deepest sympathy to his wife and daughter, Karen and Leslye Faulk; to his father, William T. Faulk; and to other family members whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 3. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transmit business.

And the Speaker of the House appointed as members on part of the House Reps. Blake, Reed, and Bugg.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Senator Hand, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Senators Goodwin, Denton, and Figures.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**H. J. R. 7. RELATIVE TO HOUSE AND SENATE MEETING IN JOINT CONVENTION FOR THE PURPOSE OF PUBLISHING GENERAL ELECTION RETURNS.**

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING,** That when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 14, 1987, at 1:30 P.M.

**AND BE IT FURTHER RESOLVED,** That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 1:30 P.M. January 14, 1987, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the General Election held on November 4, 1986, as required by the Section 115 of the Constitution of Alabama.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 7, set in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**H. J. R. 8. APPOINTMENT OF COMMITTEE TO ADVISE THE GOVERNOR OF JOINT MEETING OF HOUSE AND SENATE TO HEAR HIS MESSAGE.**

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING,** That a joint session of the House and Senate be held at 2:00 P.M., on Wednesday, January 14, 1987, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

**AND BE IT FURTHER RESOLVED,** That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker of the House has appointed as members on part of the House Reps. Drake, Blake, and Turner.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Hand, the Rules were suspended and the Resolution, H. J. R. 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Senators Goodwin, Denton, and Figures.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hettinger, Brooks, Grayson, Freeman, and Butler:

H. J. R. 16. COMMENDING THE MADISON COUNTY CHAPTER OF MOTHERS AGAINST DRUNK DRIVING.

Also:

By Reps. McKee, Hooper, Walker, Buskey (JL), Mikell, Holmes, and Campbell:

H. J. R. 17. CONGRATULATING ROBERT E. LEE HIGH SCHOOL OF MONTGOMERY, ALABAMA, AS OUR STATE 6A FOOTBALL CHAMPIONS.

Also:

By Reps. Butler, Freeman, Grayson, Hall, Hettinger, and Brooks:

H. J. R. 20. COMMENDING DANA WEBB, OF HUNTSVILLE, ALABAMA, 1986 BROADCASTER OF THE YEAR.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Hand, the Rules were suspended and the Resolutions, H. J. R.'s 16, 17, and 20, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 5. CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That there is hereby created a joint committee to work with the Chief of Services and Capitol Police, Department of Finance, and in assigning parking places to members of the Legislature. Said Committee shall consist of three members of the House, to be appointed by the

Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

And the Speaker has appointed as a Committee on part of the House Reps. Starkey, Mikell, and Thomas.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Hand, the Rules were suspended and the Resolution, H. J. R. 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Senators Denton, Foshee, and Bishop.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Richardson:

H. J. R. 12. MOURNING THE DEATH OF WILLIAM WALLACE GROSS OF SCOTTSBORO, ALABAMA.

Also:

By Reps. Richardson, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 13. MOURNING THE DEATH OF WILLIAM DAVID STARKEY OF HOLLYWOOD, ALABAMA.

Also:

By Reps. McMillan and Penry:

H. J. R. 14. COMMENDING THOMAS H. BENTON ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

By Reps. Hettinger, Hall, Grayson, Brooks, Freeman, and Butler:

H. J. R. 15. MOURNING THE DEATH OF HARRY F. VINCENT OF HUNTSVILLE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator Hand, the Rules were suspended and the Resolutions, H. J. R.'s 12, 13, 14, and 15, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Ford, Junkins, and Bugg:

H. J. R. 24. CONGRATULATING GADSDEN HIGH SCHOOL ON THE 1986 CLASS 5A STATE FOOTBALL CHAMPIONSHIP.

Also:

By Rep. Black:

H. J. R. 25. CONGRATULATING MR. AND MRS. WRIGHT WILLIAMS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Black:

H. J. R. 26. CONGRATULATING THE REVEREND AND MRS. DWIGHT L. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator Hand, the Rules were suspended and the Resolutions, H. J. R.'s 24, 25, and 26, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### **RESOLUTION**

Senator Coleman offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. COMMENDING THOMAS EUCLID RAINS, JR., FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the numerous and notable accomplishments of Thomas Euclid Rains, Jr., of Geraldine, Alabama; and

WHEREAS, the son of Representative and Mrs. Euclid Rains, Tommy Rains is an active Air Force reservist and is a senior at Jacksonville State University where he is majoring in secondary education; and

WHEREAS, he further is active in the Student Government Association at JSU, serving as an SGA senator, and works as a dormitory resident assistant in Crowe Hall; and

WHEREAS, Tommy Rains was recently chosen as an outstanding Young Man of America for 1986, a prestigious award that is selectively granted in recognition of outstanding achievement, superior leadership ability and exceptional community service, and is an honor that is bestowed upon less than two percent of all eligible young Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Thomas Euclid Rains, Jr., of Geraldine, Alabama, and extend sincere best wishes for his every continuing success in life.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Thomas Euclid Rains, Jr., in token of our highest regard, and that a copy also be provided for his parents with whom we share personal pride in Tommy's many high honors and awards of great distinction.

On motion of Senator Coleman, the Rules were suspended and the Resolution was adopted by the Senate.

#### ADJOURNMENT

At 4:10 P.M., on motion of Senator Hand, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Wednesday, January 14, 1987, at 12:30 P.M.

**SECOND DAY**  
**WEDNESDAY, JANUARY 14, 1987**

The Senate met pursuant to adjournment, President Pro Tempore deGraffenried presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Doctor Karl K. Stegall, Minister, First United Methodist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Chad Crawford, Pizitz Middle School, Vestavia, Alabama.

**ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Manley    |
| Amari     | Coleman       | Figures  | Menton    |
| Bailey    | Corbett       | Foshee   | Parsons   |
| Barron    | Covington     | Goodwin  | Preuitt   |
| Bedford   | deGraffenried | Hale     | Rice      |
| Bedsole   | Denton        | Hand     | Sanders   |
| Bennett   | Dial          | Holmes   | Smith (B) |
| Bishop    | Dixon         | Horn     | Smith (J) |
| Cabaniss  | Drinkard      | Langford |           |

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**JOURNAL**

On motion of Senator Holmes, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Holmes, leave of absence was granted Senator Hilliard for today.

**STATEMENT BY PRESIDENT PRO TEMPORE**

**APPOINTMENT OF STANDING COMMITTEE**

The President Pro Tempore of the Senate, at the request of Lieutenant Governor-elect Folsom, announced the appointment of the Honorable Jim Smith as Chairman of the Standing Committee on Rules for the quadrennium, 1987-1990.

**REPORT OF COMMITTEE  
ON RULES  
ON REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for



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the First Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the First Day was approved by the Senate.

**RECESS**

At 12:40 P.M., on motion of Senator Drinkard, the Senate took a recess until completion of the Joint Session to witness the opening and publishing of the returns.

**JOINT SESSION**

At 1:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 4, 1986, as required by Section 115 of the Constitution of Alabama.

The Session was called to order by the Honorable Ryan deGraffenried, Jr., President Pro Tempore, who directed the Secretary of the Senate to call the roll of the Senate, when the following members answered to their names:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Manley    |
| Amari     | Coleman       | Figures  | Menton    |
| Bailey    | Corbett       | Foshee   | Parsons   |
| Barron    | Covington     | Goodwin  | Preuitt   |
| Bedford   | deGraffenried | Hale     | Rice      |
| Bedsole   | Denton        | Hand     | Sanders   |
| Bennett   | Dial          | Holmes   | Smith (B) |
| Bishop    | Dixon         | Horn     | Smith (J) |
| Cabaniss  | Drinkard      | Langford |           |

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members of the House answered to their names:

Reps.: Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby.

The President Pro Tempore of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the Joint Session was to open the returns of, count, ascertain, and proclaim the results of the election held on the 4th Day of November, 1986, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in joint convention assembled, the returns of the election held on the 4th day of November, 1986, for Executive Officers for the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, and Commissioner of Agriculture and Industries.

(See House Journal for Tabulation of Votes.)

The Speaker of the House of Representatives, the Honorable James C. Clark, then declared that the Honorable Guy Hunt, the Honorable James E. Folsom, Jr., the Honorable Don Siegelman, the Honorable Glen Browder, the Honorable Jan Cook, the Honorable George C. Wallace, Jr., and the Honorable Albert McDonald were duly and constitutionally elected to the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, and Commissioner of Agriculture and Industries, respectively, for the term prescribed by law.

The purposes of the Joint Session having been accomplished, the Senate returned to its Chamber and, at 1:45 P.M., was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 35. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1987.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature.

### JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA 1987

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the

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same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills, however, effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

### **RULES RELATING TO COMMITTEES**

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

- a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.
- b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

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- c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill \_\_\_\_\_ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. \_\_\_\_\_ is attached).

(Example: Amend H.B./S.B. \_\_\_\_\_ as follows:)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**CONFEREES OF THE HOUSE**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**CONFEREES OF THE SENATE**

**RULES RELATING TO LOBBYING**

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct

business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. Rules Committee Advisory Opinions. A Lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of

registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 35, set out in the foregoing Message from the House, was concurred in and adopted by the Senate, and the Joint Rules as set out in said Resolution were adopted as the Joint Rules of the Legislature for the ensuing quadrennium.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

#### H. J. R. 34. INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at Noon on Tuesday, January 20, 1987, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker of the House has appointed as members on part of the House Reps. White (G), Gaston, and Turner.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 34, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate, Senators Bedsole, Hand, and Cabaniss.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 32. BINDING OF ACTS AND JOURNALS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special sessions in 1987.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 32, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**RESOLUTIONS**

Senators Manley, deGraffenried, Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Coleman, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. COMMENDING SHERIFF LOUIE C. COLEMAN OF CARROLLTON ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service of Louie C. Coleman of Carrollton, Alabama, as Sheriff of Pickens County for the past 24 years; and

WHEREAS, first elected to office in 1962, Sheriff Coleman was subsequently re-elected to five additional and consecutive four-year terms for a total tenure of 24 years in service to the citizens of Pickens County and West Alabama; and

WHEREAS, Sheriff Coleman, in addition to providing highly effective protection and safety for all citizens within his jurisdiction, also served his profession in numerous capacities of leadership; he is a past president of the Alabama Sheriffs Association, a charter member of Pickens County Lodge 54 of the Fraternal Order of Police, a member of the board of directors of the Alabama Sheriffs Boys and Girls Ranches, and is the 1981 American Legion National Law Enforcement Officer of the Year; and

WHEREAS, a United States Army veteran of the Korean Conflict and a member of American Legion Post 104, he also is a Mason and a Shriner, and is a member of the Carrollton Lions Club and of the Carrollton Baptist Church; and

WHEREAS, Louie C. Coleman is indeed one of Alabama's most outstanding law enforcement officers with an enviable record of service that is



viewed with deep gratitude by all those he served so well for so many, many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service as Sheriff of Pickens County, Alabama, and in gratitude for his many other contributions to the community, we hereby commend Louie C. Coleman of Carrollton, whom we hold in utmost regard and for whom a copy of this resolution shall be provided.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bennett and Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. COMMENDING RICK MCBRIDE FOR SERVICE AS LEGISLATIVE LIAISON FOR THE STATE DEPT. OF EDUCATION.

WHEREAS, former State Representative Rick McBride, who has served the past nine years as director of the Division of Legislative Services, did so with distinction and exceptional ability; and

WHEREAS, Dr. McBride, who is retiring from active service in the State Department of Education, helped direct the passage of many pieces of important legislation for Alabama schools in his capacity as legislative liaison; and

WHEREAS, Dr. McBride brought to these duties special dedication and experience spanning 30 years of faithful and exemplary service as a science teacher, coach, principal and city school superintendent; and

WHEREAS, Dr. McBride, who served in the Alabama House of Representatives from 1970-74, has received both state and national recognition for his efforts on behalf of public education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. McBride be commended for his outstanding and dedicated service on behalf of public education in the State of Alabama and wishes him well upon his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. McBride and the State Board of Education.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial then offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. NAMING THE GYMNASIUM AT CLAY COUNTY HIGH SCHOOL IN ASHLAND, ALABAMA, THE "LEONARD BROOKS GYMNASIUM."

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the distinguished service rendered by Leonard Brooks of Ashland, Alabama, to the Clay County Public School System; and

WHEREAS, during his lengthy tenure of some 27 years with the Clay County Schools, Mr. Brooks served a total of six years as a vocational teacher, two years as a veterans teacher, four years as vocational director and, for fifteen years, as superintendent of schools; and

WHEREAS, Mr. Brooks' longtime labors as a proponent of quality education for the youth of Clay County are deeply appreciated and recognized by his professional peers and by all citizens of Clay County who desire that his contributions to their schools be acknowledged in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his long and distinguished tenure with the Clay County Public Schools, we hereby name the gymnasium at Clay County High School in Ashland, Alabama, the "Leonard Brooks Gymnasium."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said facility as the "Leonard Brooks Gymnasium."

RESOLVED FURTHER, That Mr. Brooks be provided with a copy of this resolution as a memento of this honorary designation by the Alabama Legislature.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial then offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. NAMING THE GYMNASIUM AT LINEVILLE HIGH SCHOOL IN LINEVILLE, CLAY COUNTY, ALABAMA, THE "EMLY GRIFFIN GYMNASIUM."

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service rendered by Emyl Griffin of Lineville to the public schools of Clay County, Alabama; and

WHEREAS, during his tenure of 24 years as a member and chairman of the Clay County Board of Education, Mr. Griffin served tirelessly and with utmost dedication, providing vigorous administrative leadership to all schools within the county system; and

WHEREAS, Mr. Griffin, always an exemplary and active proponent of a quality program of education for the children and youth of his county, is held in highest regard by his peers, and his numerous contributions for the past 24 years are deeply appreciated by all citizens of Clay County; and

WHEREAS, it is the desire of this body that the commendable service rendered by Emyl Griffin to the public schools of Clay County, Alabama, be publicly acknowledged and that such recognition serve as a lasting tribute to his long and distinguished tenure with the Clay County Board of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name the gymnasium at Lineville High School, Clay County, Alabama, in honor of Emyl Griffin and direct that appropriate signs and markers be erected and maintained designating said gymnasium as the "Emyl Griffin Gymnasium."

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Griffin as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 3. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H. J. R. 5. CREATING A LEGISLATIVE PARKING COMMITTEE.

Also:

H. J. R. 8. APPOINTMENT OF COMMITTEE TO ADVISE THE GOVERNOR OF JOINT MEETING OF HOUSE AND SENATE TO HEAR HIS MESSAGE.

Also:

H. J. R. 12. MOURNING THE DEATH OF WILLIAM WALLACE GROSS OF SCOTTSBORO, ALABAMA.

Also:

H. J. R. 13. MOURNING THE DEATH OF WILLIAM DAVID STARKEY OF HOLLYWOOD, ALABAMA.

Also:

H. J. R. 14. COMMENDING THOMAS H. BENTON ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

H. J. R. 15. MOURNING THE DEATH OF HARRY F. VINCENT OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 16. COMMENDING THE MADISON COUNTY CHAPTER OF MOTHERS AGAINST DRUNK DRIVING.

Also:

H. J. R. 17. CONGRATULATING ROBERT E. LEE HIGH SCHOOL OF MONTGOMERY, ALABAMA, AS OUR STATE 6A FOOTBALL CHAMPIONS.

Also:

H. J. R. 20. COMMENDING DANA WEBB, OF HUNTSVILLE, ALABAMA, 1986 BROADCASTER OF THE YEAR.

Also:

H. J. R. 24. CONGRATULATING GADSDEN HIGH SCHOOL ON THE 1986 CLASS 5A STATE FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 25. CONGRATULATING MR. AND MRS. WRIGHT WILLIAMS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 26. CONGRATULATING THE REVEREND AND MRS. DWIGHT L. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **ADJOURNMENT**

At 12:55 P.M., on motion of Senator Manley, the Senate adjourned until Tuesday, January 20, 1987, at 11:30 A.M.

## **EIGHTH DAY**

**TUESDAY, JANUARY 20, 1987**

(The Senate was not in session on the Third through the Seventh Day.)

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Doctor Mark E. Waldo, Rector, Church of the Ascension, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Casey Giddens, Auburn High School, Auburn, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Langford  |
| Amari     | Coleman       | Figures  | Manley    |
| Bailey    | Corbett       | Foshee   | Menton    |
| Barron    | Covington     | Goodwin  | Parsons   |
| Bedford   | deGraffenried | Hale     | Preuitt   |
| Bedsole   | Denton        | Hand     | Rice      |
| Bennett   | Dial          | Hilliard | Sanders   |
| Bishop    | Dixon         | Holmes   | Smith (B) |
| Cabaniss  | Drinkard      | Horn     | Smith (J) |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **RESOLUTIONS**

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

**S. J. R. 15. DESIGNATION OF MEETING DAYS.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That when the two houses adjourn today, Tuesday, January 20, 1987, they adjourn sine die.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Denton and Bedford offered the following Senate Resolution, to-wit:

**S. R. 16. COMMENDING LORA P. CONRAD OF NORTHWEST ALABAMA STATE JUNIOR COLLEGE.**

Which was filed.

Senator Denton then offered the following Senate Resolution, to-wit:

S. R. 17. HONORING LAVERN TATE OF FLORENCE, ALABAMA.

Which was filed.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including ex officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. Provided, however, that said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation and four additional members of the Senate to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, and seven additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

"The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

"All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

"BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1990."

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 19. COMMENDING NANCY J. GREEN OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S. R. 20. COMMENDING JOE M. HINDS, JR., PRESIDENT OF THE HUNTSVILLE-MADISON COUNTY CHAMBER OF COMMERCE.

Also:

S. R. 21. COMMENDING THOMAS ALVIN BLACKWELL, OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Which were filed.

Senator Langford offered the following Senate Resolution, to-wit:

S. R. 22. EXPRESSING APPRECIATION TO GENERAL TRUMAN SPANGRUD, COLONEL MARK J. DIERLMAN AND TO THE OFFICER'S CLUB STAFF OF MAXWELL AIR FORCE BASE, ALABAMA.

Which was filed.

Senator Coleman offered the following Senate Resolution, to-wit:

S. R. 23. CONGRATULATING THE CROSSVILLE HIGH SCHOOL FOOTBALL TEAM, AND COACHES, ON THE LIONS' 1986 CLASS 3A STATE FOOTBALL CHAMPIONSHIP.

Which was filed.

Senators Dial, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Coleman, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 24. CONGRATULATING DENNIS CONNER AND HIS STARS AND STRIPES '87 CREW.

Which was filed.

### RECESS

At 11:56 A.M., on motion of Senator deGraffenried, the Senate took a recess until thirty minutes after the completion of the Joint Session to hear the message of His Excellency, the Governor, Guy Hunt.

### JOINT SESSION

At 12 o'clock Noon, in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Guy Hunt.

The Session was called to order by Lieutenant Governor Folsom. A quorum of the Legislature was present.

Thereupon, the Honorable Guy Hunt, Governor of Alabama, was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, and in accordance with motion heretofore adopted, at 12:45 P.M. the Senate returned to its Chamber and was called to order by Lieutenant Governor Folsom.

### ROLL CALL

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Langford  |
| Amari     | Coleman       | Figures  | Manley    |
| Bailey    | Corbett       | Foshee   | Menton    |
| Barron    | Covington     | Goodwin  | Parsons   |
| Bedford   | deGraffenried | Hale     | Preuitt   |
| Bedsole   | Denton        | Hand     | Rice      |
| Bennett   | Dial          | Hilliard | Sanders   |
| Bishop    | Dixon         | Holmes   | Smith (B) |
| Cabaniss  | Drinkard      | Horn     | Smith (J) |

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### RESOLUTIONS

Senator Coleman offered the following Senate Resolution, to-wit:

S. R. 25. COMMENDING COACH HAROLD BOBO.

Which was filed.

Senators Corbett, Langford, Horn, Figures, and Sanders offered the following Senate Resolution, to-wit:

S. R. 26. MOURNING THE DEATH OF WILLIAM PHARRIS MITCHELL OF TUSKEGEE INSTITUTE.

Which was filed.

Senators Dixon, Langford, and Dial offered the following Senate Resolution, to-wit:

S. R. 27. CONGRATULATING COACH SPENCE McCRACKEN OF ROBERT E. LEE HIGH SCHOOL, MONTGOMERY, ALABAMA.

Which was filed.

Senator Coleman offered the following Senate Resolutions, to-wit:

S. R. 28. COMMENDING ASSISTANT FOOTBALL COACH JERRY WAYNE RICE OF THE CROSSVILLE HIGH SCHOOL LIONS STATE CHAMPIONS.

Also:

S. R. 29. COMMENDING COACH HERMAN BITTINGER OF CROSSVILLE HIGH SCHOOL FOR OUTSTANDING SERVICE.

Also:

S. R. 30. COMMENDING COACH KENT BOULDIN OF CROSSVILLE HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.



Also:

S. R. 31. COMMENDING COACH ROGER EARL HIBBS OF CROSSVILLE HIGH SCHOOL.

Which were filed.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 4. RELATIVE TO A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 6. CONGRATULATING ROBERT E. LEE HIGH SCHOOL OF MONTGOMERY, ALABAMA, AS OUR STATE 6A FOOTBALL CHAMPIONS.

Also:

S. J. R. 7. COMMENDING THE CITIZENS OF MONTGOMERY ON THEIR INITIATION AND SUPPORT OF PROJECT SAFE PLACE.

Also:

S. J. R. 8. MOURNING THE DEATH OF SOLON DIXON OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 9. MOURNING THE DEATH OF BOBBY JOE FAULK OF PHENIX CITY, ALABAMA.

Also:

S. J. R. 10. COMMENDING THOMAS EUCLID RAINS, JR., FOR OUTSTANDING ACCOMPLISHMENT.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Grouby:

H. J. R. 37. COMMENDING SHON LEE, JAY MCAFEE AND CHIP POWELL.

Also:

By Reps. Ford, Junkins, and Bugg:

H. J. R. 39. CONGRATULATING THE LITCHFIELD HIGH SCHOOL EAGLES AS OUR CLASS 4A STATE FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Rules were suspended and the Resolutions, H. J. R.'s 37 and 39, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**RECESS**

At 2:15 P.M., on motion of Senator Denton, the Senate took a recess subject to the Call of the Chair.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 18. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Senate non-concurred in the following House amendment to the Resolution, S. J. R. 18, the title of which is set out in the foregoing Message from the House, to-wit:

**HOUSE AMENDMENT TO S. J. R. 18**

Amend Senate Joint Resolution 18, Page 1, Line 17, after the words "while in legislative session," by striking the following:

and in the same manner and under the same conditions as when they meet in legislative session.

And substituting in lieu thereof the following: , except, however, Committee members shall not be paid for days on which they do not meet. Members must attend the meetings in order to be paid.

and requested a Committee on Conference.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators deGraffenried, Drinkard, and Manley.

**RESOLUTIONS**

Senators Langford, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Coleman, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 32. COMMENDING HARRY BAILEY, HAROLD COACHMAN, ERNEST FLOWERS, RONNIE LEE AND ROBERT WATKINS.

Which was filed.

Senators Langford, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Coleman, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Manley, Menton, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 33. COMMENDING HARRY BAILEY, HAROLD COACHMAN, ERNEST FLOWERS, RONNIE LEE AND ROBERT WATKINS.**

WHEREAS, it is with highest honor and esteem that the Alabama Legislature commends Harry Bailey, Harold Coachman, Ernest Flowers, Ronnie Lee and Robert Watkins of Montgomery, Alabama, for their outstanding deeds of great courage and heroism on January 14, 1987; and

WHEREAS, following the crash of a U. S. Air Force jet, on a practice approach to Montgomery's municipal airport, Messrs. Bailey, Coachman, Flowers, Lee and Watkins were among the first bystanders to reach the burning plane; and

WHEREAS, these courageous men, even at grave risk of their own lives and safety, quickly pulled Lieutenant William Edward Kelley from the burning wreckage, thereby saving his life; and

WHEREAS, rescuers, however, despite desperate attempts, were unable to reach two other crewmen and watched helplessly as the plane became totally engulfed in flames; and

WHEREAS, these men indeed are paragons of great courage and are further to be honored for their willingness to risk their own lives that others might live; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in recognition of extraordinary heroism, we hereby commend Harry Bailey, Harold Coachman, Ernest Flowers, Ronnie Lee and Robert Watkins, of Montgomery, Alabama, whom we hold in highest regard and to whom copies of this resolution shall be presented.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bailey, Amari, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Coleman, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

**S. R. 34. MOURNING THE DEATH OF WILLIAM RUSSELL GREENFIELD, JR., OF DOTHAN, ALABAMA.**

Which was filed.

## **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

## S. J. R. 15. DESIGNATION OF MEETING DAYS.

JOHN W. PEMBERTON,  
Clerk.**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 11. COMMENDING SHERIFF LOUIE C. COLEMAN OF CARROLLTON ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

S. J. R. 12. COMMENDING RICK MCBRIDE FOR SERVICE AS LEGISLATIVE LIAISON FOR THE STATE DEPT. OF EDUCATION.

Also:

S. J. R. 13. NAMING THE GYMNASIUM AT CLAY COUNTY HIGH SCHOOL IN ASHLAND, ALABAMA, THE "LEONARD BROOKS GYMNASIUM."

Also:

S. J. R. 14. NAMING THE GYMNASIUM AT LINEVILLE HIGH SCHOOL IN LINEVILLE, CLAY COUNTY, ALABAMA, THE "EMYL GRIFFIN GYMNASIUM."

JOHN W. PEMBERTON,  
Clerk.**MESSAGE FROM THE HOUSE**

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 32. BINDING OF ACTS AND JOURNALS.

Also:

H. J. R. 34. INVITATION FOR JOINT ADDRESS.

Also:

H. J. R. 35. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1987.

JOHN W. PEMBERTON,  
Clerk.**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles

had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 37. COMMENDING SHON LEE, JAY MCAFEE AND CHIP POWELL.

Also:

H. J. R. 39. CONGRATULATING THE LITCHFIELD HIGH SCHOOL EAGLES AS OUR CLASS 4A STATE FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 6. CONGRATULATING ROBERT E. LEE HIGH SCHOOL OF MONTGOMERY, ALABAMA, AS OUR STATE 6A FOOTBALL CHAMPIONS.

Also:

S. J. R. 7. COMMENDING THE CITIZENS OF MONTGOMERY ON THEIR INITIATION AND SUPPORT OF PROJECT SAFE PLACE.

Also:

S. J. R. 8. MOURNING THE DEATH OF SOLON DIXON OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 9. MOURNING THE DEATH OF BOBBY JOE FAULK OF PHENIX CITY, ALABAMA.

Also:

S. J. R. 10. COMMENDING THOMAS EUCLID RAINS, JR., FOR OUTSTANDING ACCOMPLISHMENT.

JIM SMITH,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Joint Resolution.

S. J. R. 18. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

And the Speaker of the House has appointed as Committee on part of the House Reps.: Carter, Harper, and Brooks.

JOHN W. PEMBERTON,  
Clerk.

### **REPORT OF COMMITTEE OF CONFERENCE ON S. J. R. 18**

We the Committee of conference appointed to reconcile the disagreement between the two houses concerning S. J. R. 18 have met, considered the resolution as amended, and have agreed to the following report:

1. We recommend that the House recede from its amendment to the resolution.

2. We recommend that the resolution be substituted as follows and then passed by both houses.

Respectfully submitted,

TAYLOR HARPER,  
TOMMY CARTER,  
MORRIS BROOKS,

Conferees on the Part of the House.

RYAN DEGRAFFENRIED,  
RICHARD MANLEY,  
BILL DRINKARD,

Conferees on the Part of the Senate.

### **CONFERENCE SUBSTITUTE FOR S. J. R. 18**

S. J. R. 18. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, during which the committee shall exist. Provided however, on weekdays upon which a meeting is scheduled, members must attend said meeting in order to be paid. Provided further, the co-chairmen and vice chairmen and deputy vice chairmen shall be entitled to, and shall receive the same daily legislative compensation, expense allowance, per diem and other compensation which they receive while in legislative session. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation and four additional members of the Senate to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, and seven additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

"The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

"All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

"BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1990."

### CONFERENCE REPORT

Senator Holmes moved that the Senate non-concur in the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Resolution:

S. J. R. 18. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

Senator deGraffenried offered a substitute motion that the Senate concur in said Conference report, which motion was adopted, and the Senate concurred in and adopted said Conference Report on the Resolution, S. J. R. 18.

Yeas 21; Nays 10.

Abstaining 1.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Coleman       | Foshee | Menton    |     |
| Bailey    | deGraffenried | Hale   | Preuitt   |     |
| Barron    | Dial          | Hand   | Rice      |     |
| Bedford   | Drinkard      | Horn   | Sanders   |     |
| Bishop    | Ellis         | Manley | Smith (J) |     |
| Cabaniss  | Figures       |        |           | —21 |

*Nays:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Corbett   | Goodwin  | Langford  |     |
| Amari     | Covington | Hilliard | Smith (B) |     |
| Campbell  | Denton    | Holmes   |           | —10 |

*Abstaining:* Senator Parsons —1

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 11. COMMENDING SHERIFF LOUIE C. COLEMAN OF CARROLLTON ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

S. J. R. 12. COMMENDING RICK MCBRIDE FOR SERVICE AS LEGISLATIVE LIAISON FOR THE STATE DEPT. OF EDUCATION.

Also:

S. J. R. 13. NAMING THE GYMNASIUM AT CLAY COUNTY HIGH SCHOOL IN ASHLAND, ALABAMA, THE "LEONARD BROOKS GYMNASIUM."

Also:

S. J. R. 14. NAMING THE GYMNASIUM AT LINEVILLE HIGH SCHOOL IN LINEVILLE, CLAY COUNTY, ALABAMA, THE "EMYL GRIFFIN GYMNASIUM."

JIM SMITH,  
Chairperson.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of



a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Marietta, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dilliard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 47. CONGRATULATING MR. AND MRS. JOSEPH RAYMOND CROSBY, III, ON THE BIRTHS OF THEIR NEW SON AND DAUGHTER.

Also:

By Rep. White (L):

H. J. R. 51. CONGRATULATING MR. AND MRS. JAKE M. HENDERSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 47 and 51, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the amendment to the Senate Joint Resolution.

S. J. R. 18. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

And said Senate Joint Resolution as thus amended by the Report of the Committee on Conference was again read and adopted.

And said Senate Joint Resolution, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 33. COMMENDING HARRY BAILEY, HAROLD COACHMAN, ERNEST FLOWERS, RONNIE LEE AND ROBERT WATKINS.

JOHN W. PEMBERTON,  
Clerk.

### APPOINTMENT OF STANDING COMMITTEES

The President and Presiding Officer of the Senate announced the following Standing Committees of the Senate for the quadrennium, 1987-1991, to-wit:

#### BANKING AND INSURANCE COMMITTEE

Drinkard, Chairperson; Cabaniss, Vice Chairperson; Members: Figures, Goodwin, Foshee, deGraffenried, Covington, Dixon, Bedford, Smith (J), Amari.

#### RULES COMMITTEE

Smith (J), Chairperson; Drinkard, Vice Chairperson; Members: Preuitt, Dial, Manley, Bishop, Barron.

#### HEALTH COMMITTEE

Smith (J), Chairperson; Preuitt, Vice Chairperson; Members: Drinkard, Bailey, Bedsole, Smith (B), Hale, Dial, Dixon.

#### FINANCE AND TAXATION COMMITTEE

Horn, Chairperson; Barron, Deputy Chairperson.

#### GENERAL FUND SUBCOMMITTEE

Preuitt, Vice Chairperson; Members: Manley, Figures, Cabaniss, Denton, Amari, Smith (B), Bedford, Drinkard.

#### EDUCATIONAL FUND SUBCOMMITTEE

Drinkard, Vice Chairperson; Members: Ellis, Dial, Hand, deGraffenried, Rice, Bishop, Sanders, Preuitt.

#### ECONOMIC AFFAIRS COMMITTEE

Figures, Chairperson; Smith (B), Vice Chairperson; Members: Parsons, Bennett, Corbett, Campbell, Coleman, Bedford, Langford, Holmes, Sanders.

#### CONSUMER AFFAIRS SUBCOMMITTEE

Bedford, Chairperson; Members: Holmes, Sanders.

**INTERNATIONAL AND DOMESTIC TRADE SUBCOMMITTEE**

Smith (B), Chairperson; Members: Figures, Campbell.

**JUDICIARY COMMITTEE**

Preuitt, Chairperson; Barron, Vice Chairperson; Members: Hale, Bedsole, Hand, Smith (J), Bailey, Menton, Cabaniss, Dial, Dixon.

**GOVERNMENTAL AFFAIRS COMMITTEE**

Manley, Chairperson; Bedford, Vice Chairperson; Members: Denton, Dixon, Hilliard, Coleman, Ellis, Langford, Hale, Holmes, Covington, Campbell, Bishop.

**MILITARY AFFAIRS SUBCOMMITTEE**

Dixon, Chairperson; Members: Hale, Holmes.

**STUDENT AFFAIRS SUBCOMMITTEE**

Bedford, Chairperson; Members: Hilliard, Campbell.

**NATURAL RESOURCES COMMITTEE**

Bishop, Chairperson; Foshee, Vice Chairperson; Members: Dial, Preuitt, Covington, Menton, Drinkard.

**MINING AND RECLAMATION SUBCOMMITTEE**

Bishop, Chairperson; Members: Dial, Foshee.

**OIL AND GAS SUBCOMMITTEE**

Menton, Chairperson; Members: Drinkard, Bishop.

**WATERWAYS SUBCOMMITTEE**

Preuitt, Chairperson; Members: Covington, Dial.

**AGRICULTURE, CONSERVATION, AND FORESTRY  
COMMITTEE**

Bedsole, Chairperson; Coleman, Vice Chairperson; Members: Bailey, Covington, Denton, Bishop, Ellis, Hale, Menton, Hand, Holmes, Barron, Campbell.

**COASTAL WATERS CONSERVATION SUBCOMMITTEE**

Menton, Chairperson; Members: Bedsole, Hand.

**FORESTRY, FISH, AND GAME SUBCOMMITTEE**

Ellis, Chairperson; Members: Coleman, Holmes.

**PUBLIC WELFARE COMMITTEE**

Sanders, Chairperson; Amari, Vice Chairperson; Members: Bennett, Corbett, Rice.

**AGING SUBCOMMITTEE**

Amari, Chairperson; Members: Bennett, Rice.

**EDUCATION COMMITTEE**

Bailey, Chairperson; Hand, Vice Chairperson; Members: Bedsole, Barron, Rice, Bennett, Smith (B), Dial, Preuitt.

**BUSINESS AND LABOR RELATIONS COMMITTEE**

Foshee, Chairperson; Rice, Vice Chairperson; Members: Preuitt, Coleman, Cabaniss, Hand, Barron, Langford, Holmes.

**SMALL BUSINESS SUBCOMMITTEE**

Holmes, Chairperson; Members: Coleman, Langford.

**COMMERCE, TRANSPORTATION, AND UTILITIES  
COMMITTEE**

Dial, Chairperson; Amari, Vice Chairperson; Members: Covington, Ellis, Dixon, Hilliard, Foshee, Smith (B), Denton.

**STATE DEVELOPMENT AND TOURISM COMMITTEE**

deGraffenried, Chairperson; Goodwin, Vice Chairperson; Members: Bishop, Manley, Foshee.

**LOCAL LEGISLATION NO. 1 COMMITTEE**

Covington, Chairperson; Foshee, Vice Chairperson; Members: Goodwin, Bishop, Manley.

**LOCAL LEGISLATION NO. 2 COMMITTEE**

Hilliard, Chairperson; Amari, Vice Chairperson; Members: Parsons, Bennett, Cabaniss, Horn.

**LOCAL LEGISLATION NO. 3 COMMITTEE**

Figures, Chairperson; Menton, Vice Chairperson; Members: Bedsole, Hand.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 33. COMMENDING HARRY BAILEY, HAROLD COACHMAN, ERNEST FLOWERS, RONNIE LEE AND ROBERT WATKINS.

JIM SMITH,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 18. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

JIM SMITH,  
Chairperson.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 47. CONGRATULATING MR. AND MRS. JOSEPH RAYMOND CROSBY, III, ON THE BIRTHS OF THEIR NEW SON AND DAUGHTER.

Also:

H. J. R. 51. CONGRATULATING MR. AND MRS. JAKE M. HENDERSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 6

S. J. R. 9

S. J. R. 7

S. J. R. 10

S. J. R. 8

Delivered to the Governor January 20, 1987, at 2:26 P.M.

S. J. R. 11

S. J. R. 13

S. J. R. 12

S. J. R. 14

Delivered to the Governor January 20, 1987, at 3:45 P.M.

S. J. R. 18

S. J. R. 33

Delivered to the Governor January 20, 1987, at 4:40 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Second and Eighth Days and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journals of the Senate for the Second and Eighth Days were approved by the Senate.

**ADJOURNMENT**

At 4:45 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE,  
Secretary of Senate.

## ROSTER OF THE SENATE OF ALABAMA

### ORGANIZATIONAL SESSION 1987

|                                                                         |                                                                  |
|-------------------------------------------------------------------------|------------------------------------------------------------------|
| Jim Folsom, Jr., <i>Lieutenant Governor</i> .....                       | Alabama State House,<br>Montgomery                               |
| Ryan deGraffenried, <i>President Pro-Tem</i> .....                      | Tuscaloosa                                                       |
| McDowell Lee, <i>Secretary</i> .....                                    | Montgomery                                                       |
| John D. Crawford, <i>Assistant Secretary</i> .....                      | Montgomery                                                       |
| Mrs. William R. Lawley, Jr., <i>Chief Clerk</i> .....                   | Montgomery                                                       |
| District No. 1—Lauderdale, Colbert                                      |                                                                  |
| Bobby Denton .....                                                      | P. O. Box 987, Tuscumbia 35674                                   |
| District No. 2—Madison, Limestone, Lauderdale                           |                                                                  |
| Jim Smith .....                                                         | 108-A South Side Square,<br>Huntsville 35801                     |
| District No. 3—Lawrence, Morgan                                         |                                                                  |
| Ray Campbell .....                                                      | Rt. 4, Box 43, Town Creek 35672                                  |
| District No. 4—Cullman, Morgan, Madison                                 |                                                                  |
| Don Hale .....                                                          | 409 6th St., S.W., Cullman 35055                                 |
| District No. 5—Pickens, Tuscaloosa, Walker                              |                                                                  |
| Charles Bishop .....                                                    | P. O. Box 2328, Jasper 35501                                     |
| District No. 6—Franklin, Marion, Winston, Lamar, Fayette                |                                                                  |
| Roger H. Bedford .....                                                  | P. O. Box 669, Russellville 35653                                |
| District No. 7—Madison                                                  |                                                                  |
| Bill G. Smith .....                                                     | 2009 Gallatin St., S.W.,<br>Huntsville 35801                     |
| District No. 8—Madison, Jackson, DeKalb                                 |                                                                  |
| Lowell R. Barron .....                                                  | P. O. Box 65, Fyffe 35971                                        |
| District No. 9—Marshall, Blount, DeKalb                                 |                                                                  |
| Loyd Coleman .....                                                      | P. O. Box 67, Arab 35016                                         |
| District No. 10—Etowah                                                  |                                                                  |
| Bill Drinkard .....                                                     | Holy Name of Jesus Medical Center<br>Moragne Park, Gadsden 35902 |
| District No. 11—Elmore, Talladega, Coosa                                |                                                                  |
| Jim Preuitt .....                                                       | P. O. Box 1063, Talladega 35160                                  |
| District No. 12—Calhoun                                                 |                                                                  |
| Donald G. Holmes .....                                                  | P. O. Box 3383, Oxford 36203                                     |
| District No. 13—Chambers, Clay, Randolph,<br>Cleburne, Cherokee, DeKalb |                                                                  |
| Gerald Dial .....                                                       | P. O. Box 248, Lineville 36266                                   |
| District No. 14—St. Clair, Shelby, Bibb                                 |                                                                  |
| Frank (Butch) Ellis, Jr. ....                                           | P. O. Box 587,<br>Columbiana 35051                               |

- District No. 15—Jefferson  
John E. Amari ..... 9636 Parkway East, Birmingham 35215
- District No. 16—Jefferson  
William J. Cabaniss, Jr. .... P. O. Box 19925,  
Birmingham 35219
- District No. 17—Jefferson  
Mac Parsons ..... 2027 2nd Ave., N., Birmingham 35203
- District No. 18—Jefferson  
Fred Horn ..... 900 4th St., N., Birmingham 35204
- District No. 19—Jefferson  
Jim Bennett ..... Suite 100, 130 Building  
130 Vulcan Road, Birmingham 35207
- District No. 20—Jefferson  
Earl F. Hilliard ..... P. O. Box 11385, Birmingham 35202
- District No. 21—Hale, Tuscaloosa  
Ryan deGraffenried, Jr. .... P. O. Box 2263,  
Tuscaloosa 35403
- District No. 22—Marengo, Clarke, Choctaw,  
Washington, Monroe, Conecuh  
Rick Manley ..... P. O. Drawer U, Demopolis 36732
- District No. 23—Choctaw, Sumter, Greene, Perry,  
Dallas, Wilcox, Lowndes  
Henry (Hank) Sanders ..... P. O. Box 1305, Selma 36702
- District No. 24—Dallas, Autauga, Chilton, Bibb  
Earl Goodwin ..... P. O. Box 886, Selma 36702
- District No. 25—Montgomery  
Larry Dixon ..... P. O. Box 946, Montgomery 36102
- District No. 26—Montgomery, Elmore  
Charles D. Langford ..... 352 Dexter Ave.,  
Montgomery 36104
- District No. 27—Tallapoosa, Lee  
John Rice ..... P. O. Box 4008, Opelika 36803
- District No. 28—Macon, Bullock, Barbour, Russell  
J. Danny Corbett ..... Route 7, Box 821, Phenix City 36867
- District No. 29—Henry, Houston, Geneva  
Chip Bailey ..... P. O. Box 6791, Dothan 36301
- District No. 30—Butler, Crenshaw, Pike, Dale  
J. Foy Covington, Jr. .... Rt. 2, Newville 36353
- District No. 31—Coffee, Covington, Escambia  
E. (Crum) Foshee ..... Alabama State House  
Montgomery 36130
- District No. 32—Baldwin, Mobile  
Perry A. Hand ..... P. O. Box 478, Gulf Shores 36542



District No. 33—Mobile

Michael Figures ..... 2317 St. Stephens Rd.,  
Mobile 36617

District No. 34—Mobile

Ann Bedsole ..... P. O. Box 16642, Mobile 36616

District No. 35—Mobile

William J. (Bill) Menton ..... Rt. 2, Box 171  
Irvington 36544

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**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1987**

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**BANKING AND INSURANCE**

Drinkard, Chairperson; Cabaniss, Vice Chairperson; Figures, Goodwin, Foshee, deGraffenried, Covington, Dixon, Bedford, Smith (J), Amari.

**RULES**

Smith (J), Chairperson; Drinkard, Vice Chairperson; Preuitt, Dial, Manley, Bishop, Barron.

**HEALTH**

Smith (J), Chairperson; Preuitt, Vice Chairperson; Drinkard, Bailey, Bedsole, Smith (B), Hale, Dial, Dixon.

**FINANCE AND TAXATION**

Horn, Chairperson; Barron, Deputy Chairperson.

**GENERAL FUND SUBCOMMITTEE**

Preuitt, Vice Chairperson; Manley, Figures, Cabaniss, Denton, Amari, Smith (B), Bedford.

**EDUCATIONAL FUND SUBCOMMITTEE**

Drinkard, Vice Chairperson; Ellis, Dial, Hand, deGraffenried, Rice, Bishop, Sanders.

**ECONOMIC AFFAIRS**

Smith (B), Vice Chairperson; Parsons, Bennett, Corbett, Campbell, Coleman, Bedford, Langford, Holmes, Sanders.

**CONSUMER AFFAIRS SUBCOMMITTEE**

Bedford, Chairperson; Holmes, Sanders.

**INTERNATIONAL AND DOMESTIC TRADE SUBCOMMITTEE**

Smith (B), Chairperson; Figures, Campbell.

**JUDICIARY**

Preuitt, Chairperson; Barron, Vice Chairperson; Hale, Bedsole, Hand, Smith (J), Bailey, Menton, Cabaniss, Dial, Dixon.

**GOVERNMENTAL AFFAIRS**

Manley, Chairperson; Bedford, Vice Chairperson; Denton, Dixon, Hilliard, Coleman, Ellis, Langford, Hale, Holmes, Covington, Campbell, Bishop.

MILITARY AFFAIRS SUBCOMMITTEE

Dixon, Chairperson; Hale, Holmes.

STUDENT AFFAIRS SUBCOMMITTEE

Bedford, Chairperson; Hilliard, Campbell.

NATURAL RESOURCES

Bishop, Chairperson; Foshee, Vice Chairperson; Dial, Preuitt, Covington, Menton, Drinkard.

MINING AND RECLAMATION SUBCOMMITTEE

Bishop, Chairperson; Dial, Foshee.

OIL AND GAS SUBCOMMITTEE

Menton, Chairperson; Drinkard, Bishop.

WATERWAYS SUBCOMMITTEE

Preuitt, Chairperson; Covington, Dial.

AGRICULTURE, CONSERVATION, AND FORESTRY

Bedsole, Chairperson; Coleman, Vice Chairperson; Bailey, Covington, Denton, Bishop, Ellis, Hale, Menton, Hand, Holmes, Barron, Campbell.

COASTAL WATERS CONSERVATION SUBCOMMITTEE

Menton, Chairperson; Bedsole, Hand.

FORESTRY, FISH, AND GAME SUBCOMMITTEE

Ellis, Chairperson; Coleman, Holmes.

PUBLIC WELFARE

Amari, Vice Chairperson; Bennett, Corbett, Rice.

COMMITTEE ON AGING SUBCOMMITTEE

Amari, Chairperson; Bennett, Rice.

EDUCATION

Bailey, Chairperson; Hand, Vice Chairperson; Bedsole, Barron, Rice, Bennett, Smith (B), Dial, Preuitt.

BUSINESS AND LABOR RELATIONS

Foshee, Chairperson; Rice, Vice Chairperson; Preuitt, Coleman, Cabaniss, Hand, Barron, Langford, Holmes.

SMALL BUSINESS SUBCOMMITTEE

Holmes, Chairperson; Coleman, Langford.

## COMMERCE, TRANSPORTATION, AND UTILITIES

Dial, Chairperson; Amari, Vice Chairperson; Covington, Ellis, Dixon, Hilliard, Foshee, Smith (B), Denton.

## STATE DEVELOPMENT AND TOURISM

deGraffenried, Chairperson; Goodwin, Vice Chairperson; Bishop, Manley, Foshee.

## LOCAL LEGISLATION NO. 1

Covington, Chairperson; Foshee, Vice Chairperson; Goodwin, Bishop, Manley.

## LOCAL LEGISLATION NO. 2

Hilliard, Chairperson; Amari, Vice Chairperson; Parsons, Bennett, Cabaniss, Horn.

## LOCAL LEGISLATION NO. 3

Figures, Chairperson; Menton, Vice Chairperson; Bedsole, Hand.

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**COMMITTEE ASSIGNMENTS FOR 1987**  
**ALABAMA STATE SENATE**

**15th District**

**JOHN AMARI**—Vice Chairperson, Public Welfare (Chairperson, Committee on Aging subcommittee); Vice Chairperson, Commerce, Transportation, and Utilities; Vice Chairperson, Local Legislation No. 2; Banking and Insurance; Finance and Taxation (General Fund subcommittee).

**29th District**

**CHIP BAILEY**—Chairperson, Education; Health; Judiciary; Agriculture, Conservation, and Forestry.

**8th District**

**LOWELL BARRON**—Deputy Chairperson, Finance and Taxation; Vice Chairperson, Judiciary; Rules; Agriculture, Conservation, and Forestry; Education; Business and Labor Relations.

**6th District**

**ROGER BEDFORD**—Vice Chairperson, Governmental Affairs (Chairperson, Student Affairs subcommittee); Economic Affairs (Chairperson, Consumer Affairs subcommittee); Banking and Insurance; Finance and Taxation (General Fund subcommittee).

**34th District**

**ANN BEDSOLE**—Chairperson, Agriculture, Conservation, and Forestry (Coastal Waters Conservation subcommittee); Health; Judiciary; Education; Local Legislation No. 3.

**19th District**

**JIM BENNETT**—Economic Affairs; Public Welfare (Committee on Aging subcommittee); Education; Local Legislation No. 2.

**5th District**

**CHARLES BISHOP**—Chairperson, Natural Resources (Chairperson, Mining and Reclamation subcommittee) (Oil and Gas subcommittee); Rules; Finance and Taxation (Educational Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry; State Development and Tourism; Local Legislation No. 1.

**16th District**

**BILL CABANISS**—Vice Chairperson, Banking and Insurance; Finance and Taxation (General Fund subcommittee); Judiciary; Business and Labor Relations; Local Legislation No. 2.

**3rd District**

**RAY CAMPBELL**—Economic Affairs (International and Domestic Trade subcommittee); Governmental Affairs (Student Affairs subcommittee); Agriculture, Conservation, and Forestry.

**9th District**

**LOYD COLEMAN**—Vice Chairperson, Agriculture, Conservation, and Forestry (Forestry, Fish, and Game subcommittee); Economic Affairs; Governmental Affairs; Business and Labor Relations (Small Business subcommittee).

**28th District**

**DANNY CORBETT**—Economic Affairs; Public Welfare.

## 30th District

FOY COVINGTON—Chairperson, Local Legislation No. 1; Banking and Insurance; Governmental Affairs; Natural Resources (Waterways subcommittee); Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

## 21st District

RYAN deGRAFFENRIED—President Pro Tem; Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation (Educational Fund subcommittee).

## 1st District

BOBBY DENTON—Finance and Taxation (General Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

## 13th District

GERALD DIAL—Chairperson, Commerce, Transportation, and Utilities; Rules; Health; Finance and Taxation (Educational Fund subcommittee); Judiciary; Natural Resources (Mining and Reclamation subcommittee) (Waterways subcommittee); Education.

## 25th District

LARRY DIXON—Banking and Insurance; Health; Judiciary; Governmental Affairs (Chairperson, Military Affairs subcommittee); Commerce, Transportation, and Utilities.

## 10th District

BILL DRINKARD—Chairperson, Banking and Insurance; Vice Chairperson, Rules; Vice Chairperson, Finance and Taxation (Educational Fund subcommittee); Health; Natural Resources (Oil and Gas subcommittee).

## 14th District

FRANK (BUTCH) ELLIS, JR.—Finance and Taxation (Educational Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry (Chairperson, Forestry, Fish, and Game subcommittee); Commerce, Transportation, and Utilities.

## 33rd District

MICHAEL FIGURES—Chairperson, Local Legislation No. 3; Banking and Insurance; Finance and Taxation (General Fund subcommittee); Economic Affairs (International and Domestic Trade subcommittee).

## 31st District

CRUM FOSHEE—Chairperson, Business and Labor Relations; Vice Chairperson, Natural Resources (Mining and Reclamation subcommittee); Vice Chairperson, Local Legislation No. 1; Banking and Insurance; Commerce, Transportation, and Utilities; State Development and Tourism.

## 24th District

EARL GOODWIN—Vice Chairperson, State Development and Tourism; Banking and Insurance; Local Legislation No. 1.

## 4th District

DON HALE—Health; Judiciary; Governmental Affairs (Military Affairs subcommittee); Agriculture, Conservation, and Forestry.

32nd District

PERRY HAND—Vice Chairperson, Education; Finance and Taxation (Educational Fund subcommittee); Judiciary; Agriculture, Conservation, and Forestry (Coastal Waters Conservation subcommittee); Business and Labor Relations; Local Legislation No. 3.

20th District

EARL HILLIARD—Chairperson, Local Legislation No. 2; Governmental Affairs (Student Affairs subcommittee); Commerce, Transportation, and Utilities.

12th District

DONALD HOLMES—Economic Affairs (Consumer Affairs subcommittee); Governmental Affairs (Military Affairs subcommittee); Agriculture, Conservation, and Forestry (Forestry, Fish, and Game subcommittee); Business and Labor Relations (Chairperson, Small Business subcommittee).

18th District

FRED HORN—Chairperson, Finance and Taxation; Local Legislation No. 2.

26th District

CHARLES LANGFORD—Economic Affairs; Governmental Affairs; Business and Labor Relations (Small Business subcommittee).

22nd District

RICK MANLEY—Chairperson, Governmental Affairs; Rules; Finance and Taxation (General Fund subcommittee); State Development and Tourism; Local Legislation No. 1.

35th District

BILL MENTON—Vice Chairperson, Local Legislation No. 3; Judiciary; Natural Resources (Chairperson, Oil and Gas subcommittee); Agriculture, Conservation, and Forestry (Chairperson, Coastal Waters Conservation subcommittee).

17th District

MAC PARSONS—Economic Affairs; Local Legislation No. 2.

11th District

JIM PREUITT—Chairperson, Judiciary; Vice Chairperson, Health; Vice Chairperson, Finance and Taxation (General Fund subcommittee); Rules; Natural Resources (Chairperson, Waterways subcommittee); Education; Business and Labor Relations.

27th District

JOHN RICE—Vice Chairperson, Business and Labor Relations; Finance and Taxation (Educational Fund subcommittee); Public Welfare (Committee on Aging subcommittee); Education.

23rd District

HANK SANDERS—Finance and Taxation (Educational Fund subcommittee); Economic Affairs (Consumer Affairs subcommittee).

7th District

BILL SMITH—Vice Chairperson, Economic Affairs (Chairperson, International and Domestic Trade subcommittee); Health; Finance

and Taxation (General Fund subcommittee); Education; Commerce, Transportation, and Utilities.

2nd District

JIM SMITH—Chairperson, Rules; Chairperson, Health; Banking and Insurance; Judiciary.

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**HOUSE OF REPRESENTATIVES  
ORGANIZATIONAL SESSION 1987  
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

|                                |                             |
|--------------------------------|-----------------------------|
| Charles Adams, 83              | Jimmy W. Holley, 91         |
| John P. Beasley, 85            | Alvin Holmes, 78            |
| Greg Beers, 48                 | Perry O. Hooper, Jr., 73    |
| Jack Biddle, III, 43           | Ronald G. Johnson, 33       |
| Lucius Black, Sr., 67          | Roy W. Johnson, Jr., 63     |
| A. J. Blake, 42                | Bobby M. Junkins, 30        |
| Harrell Blakeney, 66           | Yvonne Kennedy, 103         |
| W. C. (Bill) Bowling, 12       | Al Knight, 40               |
| Michael E. Box, 96             | Ken Kvalheim, 101           |
| Michael M. Breedlove, 65       | Richard Laird, 37           |
| Charlie Britnell, 18           | Allen Layson, 15            |
| Morris J. (Mo) Brooks, Jr., 10 | Richard J. Lindsey, 39      |
| Jenkins Bryant, Jr., 68        | Steve J. Logan, 17          |
| June Bugg, 29                  | E. B. McClain, 57           |
| Ralph Burke, 24                | Bobbie G. McDowell, 56      |
| James Buskey, 99               | Bob McKee, 74               |
| John Buskey, 77                | Stephen A. McMillan, 95     |
| Tom Butler, 6                  | Beth Marietta, 104          |
| James M. Campbell, 36          | Herman H. Marks, 8          |
| Joe R. Carothers, Jr., 86      | Nathan Mathis, 87           |
| Tommy Carter, 5                | Bryant Melton, 61           |
| James S. Clark, 84             | Mike Mikell, 76             |
| William Clark, 98              | Gordon R. Moon, 25          |
| Tom Coburn, 2                  | Max Newman, 16              |
| W. F. (Noopie) Cosby, Jr., 70  | Demetrius C. Newton, 53     |
| Bobby C. Crow, 35              | Paul Parker, 9              |
| Johnny L. Curry, 50            | Arthur Payne, 44            |
| Patricia Davis, 58             | Walter E. Penry, Jr., 94    |
| Ernest Dillard, 7              | George Perdue, 54           |
| Tom Drake, 11                  | Tony Petelos, 49            |
| Sundra E. Escott, 60           | Phil Poole, 62              |
| Dwight Faulk, 90               | T. Euclid Rains, Sr., 26    |
| Steve Flowers, 89              | Thomas Reed, 82             |
| Joe Ford, 28                   | Ben T. Richardson, 23       |
| Ed Frazier, 14                 | John W. Rogers, Jr., 52     |
| Dewayne Freeman, 21            | George G. Seibels, Jr., 47  |
| Bill Fuller, 38                | William M. Slaughter, 46    |
| Victor Gaston, 100             | Lewis G. Spratt, 59         |
| J. W. (Joe) Goodwin, 3         | Nelson R. Starkey, Jr., 1   |
| Billy Gray, 45                 | James L. Thomas, 69         |
| George W. Grayson, 19          | J. E. Turner, 102           |
| E. A. Grouby, Jr., 71          | Pete Turnham, 79            |
| Albert Hall, 22                | Jack B. Venable, 31         |
| James Harold Hamilton, 4       | Claud Walker, 75            |
| Seth Hammett, 92               | James E. (Jimmy) Warren, 64 |
| Taylor F. Harper, 105          | Frank P. (Skippy) White, 93 |
| Bob Harvey, 27                 | Gary White, 55              |
| Clarence E. Haynes, 32         | Lester White, 81            |
| Lewis W. Headley, 72           | R. Nolan Williams, 88       |
| Steve Hettinger, 20            | Gerald Willis, 34           |
| G. J. Higginbotham, 80         | Jim Wright, 51              |
| Michael E. Hill, 41            | Mary S. Zoghby, 97          |
| Thomas E. Hogan, 13            |                             |

# ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

## ORGANIZATIONAL SESSION 1987

### OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL  
*Speaker Pro-Tem*, Anniston

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, *Assistant Clerk*, Montgomery

VANNAH W. SEXTON, *Chief Clerk*, Montgomery

### MEMBERS OF THE HOUSE

| Dist.<br>No. | Counties              | Name                            | Address                                |
|--------------|-----------------------|---------------------------------|----------------------------------------|
| 1            | LAUDERDALE            | Nelson R. Starkey, Jr. ....     | 301 N. Pine St., Florence 35630        |
| 2            | COLBERT               | Tom Coburn .....                | 1107 East 3rd St., Tuscumbia 35674     |
| 3            | COLBERT, LAUDERDALE   | J. W. (Joe) Goodwin .....       | 310 Ford Road, Muscle Shoals 35661     |
| 4            | LAUDERDALE, LIMESTONE | James Harold Hamilton .....     | 301 N. Pine St., Florence 35630        |
| 5            | LIMESTONE             | Tommy Carter .....              | Route 2, Box 82, Elkmont 35620         |
| 6            | MADISON               | Tom Butler .....                | 1803 Forney Drive, Huntsville 35816    |
| 7            | LAWRENCE, MORGAN      | Ernest Dillard .....            | Route 1, Box 216, Courtland 35618      |
| 8            | MORGAN                | Herman H. Marks .....           | 1704 Sandra St., SW, Decatur 35601     |
| 9            | MORGAN                | Paul Parker .....               | 303 North Douglas St., Hartselle 35640 |
| 10           | MADISON               | Morris J. (Mo) Brooks, Jr. .... | 9009 Randall Road, Huntsville 35802    |
| 11           | CULLMAN, MORGAN       | Tom Drake .....                 | P. O. Box 1165, Cullman 35055          |
| 12           | CULLMAN               | W. C. (Bill) Bowling .....      | Route 2, Box 349, Hanceville 35077     |

- 13 WALKER  
Thomas E. Hogan ..... 300 12th Avenue, NE, Jasper 35501
- 14 TUSCALOOSA, WALKER  
Ed Frazier ..... N. 88, Hwy. 195, Jasper 35501
- 15 PICKENS, TUSCALOOSA  
Allen Layson ..... P. O. Box 88, Reform 35481
- 16 FAYETTE, LAMAR, MARION  
Max Newman ..... P. O. Box 428, Millport 35576
- 17 MARION, WINSTON  
Steve J. Logan ..... P. O. Box 576, Hamilton 35570
- 18 FRANKLIN, MARION  
Charlie Britnell ..... Route 2, Box 376, Russellville 35653
- 19 MADISON  
George W. Grayson ..... P. O. Box 38, Normal 35762
- 20 MADISON  
Steve Hettinger ..... 2207 Toll Gate, Huntsville 35801
- 21 MADISON  
Dewayne Freeman ..... 114 East Becky Circle, Huntsville 35810
- 22 JACKSON, MADISON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Ben T. Richardson ..... P. O. Box 1017, Scottsboro 35768
- 24 DEKALB  
Ralph Burke ..... P. O. Box 876, Fort Payne 35967
- 25 MARSHALL  
Gordon R. Moon ..... P. O. Box 265, Guntersville 35976
- 26 DEKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 27 BLOUNT  
Bob Harvey ..... Route 4, Box 2215, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... Gadsden State Community College  
1000 George Wallace Dr., Gadsden 35999
- 29 ETOWAH  
June Bugg ..... 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR  
Bobby M. Junkins ..... 254 College St., Gadsden 35999
- 31 COOSA, ELMORE  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078
- 32 TALLADEGA  
Clarence E. Haynes ..... P. O. Box 1041, Talladega 35160
- 33 TALLADEGA  
Ronald G. Johnson ..... Route 5, Box 17, Sylacauga 35150

- 34 CALHOUN  
Gerald Willis ..... Route 2, Box 286, Piedmont 36272
- 35 CALHOUN  
Bobby C. Crow ..... Route 10, Box 842, Anniston 36201
- 36 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36202
- 37 CHAMBERS, RANDOLPH, CLAY  
Richard Laird ..... 1507 Bonner, Roanoke 36274
- 38 CHAMBERS  
Bill Fuller ..... 118 South LaFayette St., LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB  
Richard J. Lindsey ..... Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY  
Al Knight ..... 2421 Brook Run, Birmingham 35244
- 41 SHELBY  
Michael E. Hill ..... 301 Pitts Drive, Columbiana 35051
- 42 ST. CLAIR  
A. J. Blake ..... Route 1, Box 1500, Pell City 35125
- 43 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 44 JEFFERSON  
Arthur Payne ..... 2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON  
Billy Gray ..... 9229 Todd Dr., Suite 105, Birmingham 35206
- 46 JEFFERSON  
William M. Slaughter ..... 800 1st Nat'l Southern Natural Bldg.  
Birmingham 35203
- 47 JEFFERSON  
George G. Seibels, Jr. .... 4016 10th Avenue South  
Birmingham 35222
- 48 JEFFERSON  
Greg Beers ..... 1504 Verdure Circle, Birmingham 35226
- 49 JEFFERSON  
Tony Petelos ..... 1440 42nd St., W., Birmingham 35208
- 50 JEFFERSON  
Johnny L. Curry ..... 3264 Fieldale Dr., Hueytown 35023
- 51 JEFFERSON  
Jim Wright ..... P. O. Box 279, Adamsville 35005
- 52 JEFFERSON  
John W. Rogers, Jr. .... 1424 18th St., S.W., Birmingham 35211
- 53 JEFFERSON  
Demetrius C. Newton ..... P. O. Box 2525, Birmingham 35202

- 54 JEFFERSON  
George Perdue ..... P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON  
Gary White ..... 414 Yorkshire Dr., Homewood 35209
- 56 JEFFERSON  
Bobbie G. McDowell ..... 2322 Dartmouth Ave., Bessemer 35020
- 57 JEFFERSON  
E. B. McClain ..... 3826 Troy Terrace, Brighton 35020
- 58 JEFFERSON  
Patricia Davis ..... 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON  
Lewis G. Spratt ..... 3809 4th St. W., Birmingham 35207
- 60 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8343, Birmingham 35218
- 61 TUSCALOOSA  
Bryant Melton ..... 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA  
Phil Poole ..... P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA  
Roy W. Johnson, Jr. .... 4501 20th St., N.E., Tuscaloosa 35404
- 64 CONECUH, MONROE  
James E. (Jimmy) Warren ..... P. O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON  
Michael M. Breedlove ..... 119 Dogwood Dr., Jackson 36545
- 66 CHOCTAW, CLARKE, MARENGO  
Harrell Blakeney ..... 1101 Old Hwy. 5, So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER  
Lucius Black, Sr. .... P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE  
Jenkins Bryant, Jr. .... Route 1, Box 482, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX  
James L. Thomas ..... 2713 Hwy. 14 E., Selma 36701
- 70 DALLAS  
W. F. (Noopie) Cosby, Jr. .... P. O. Box 683, Selma 36702
- 71 AUTAUGA, CHILTON  
E. A. Grouby, Jr. .... P. O. Box 188, Prattville 36067
- 72 BIBB, CHILTON  
Lewis W. Headley ..... P. O. Box 1610, Clanton 35045
- 73 MONTGOMERY  
Perry O. Hooper, Jr. .... 503 S. Court St., Suite 320  
Montgomery 36111
- 74 MONTGOMERY  
Bob McKee ..... P. O. Box 424, Montgomery 36101

- 75 MONTGOMERY  
 Claud Walker ..... P. O. Box M, Montgomery 36105
- 76 ELMORE, MONTGOMERY  
 Mike Mikell ..... 3920 Chapman Rd., Millbrook 36054
- 77 MONTGOMERY  
 John Buskey ..... P. O. Box 6216, Montgomery 36106
- 78 MONTGOMERY  
 Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 79 LEE  
 Pete Turnham ..... Box 1592, Auburn 36830
- 80 LEE  
 G. J. Higginbotham ..... P. O. Box 2545, Opelika 36803
- 81 TALLAPOOSA  
 Lester White ..... 739 Freeman St., Dadeville 36853
- 82 BULLOCK, MACON  
 Thomas Reed ..... P. O. Drawer EE, Tuskegee Institute 36088
- 83 RUSSELL  
 Charles Adams ..... P. O. Box 967, Phenix City 36867
- 84 BARBOUR, RUSSELL  
 James S. Clark ..... P. O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON  
 John P. Beasley ..... P. O. Drawer M, Columbia 36319
- 86 HOUSTON  
 Joe R. Carothers, Jr. .... Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON  
 Nathan Mathis ..... Route 1, Newton 36352
- 88 DALE  
 R. Nolan Williams ..... Troy State University at Dothan  
 P. O. Box 6947, Dothan 36302
- 89 PIKE, DALE  
 Steve Flowers ..... P. O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW  
 Dwight Faulk ..... Route 2, Box 90, Honoraville 36042
- 91 COFFEE  
 Jimmy W. Holley ..... Route 2, Box 254E, Elba 36323
- 92 COVINGTON  
 Seth Hammett ..... P. O. Box 1607, Andalusia 36420
- 93 ESCAMBIA  
 Frank P. (Skippy) White ..... Rt. 1, Box 427-Pollard  
 Flomaton 36441
- 94 BALDWIN  
 Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526

- 95 **BALDWIN**  
Stephen A. McMillan ..... P. O. Box 337, Bay Minette 36507
- 96 **MOBILE**  
Michael E. Box ..... 155 S. Warren St., Mobile 36602
- 97 **MOBILE**  
Mary S. Zoghby ..... 2862 Hilburn Drive, Mobile 36606
- 98 **MOBILE**  
William Clark ..... 711 Atmore Ave., Prichard 36612
- 99 **MOBILE**  
James Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100 **MOBILE**  
Victor Gaston ..... 864 Parkwood Dr., West, Mobile 36608
- 101 **MOBILE**  
Ken Kvalheim ..... 421 Dogwood Dr., Mobile 36609
- 102 **MOBILE**  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
- 103 **MOBILE**  
Yvonne Kennedy ..... 1205 Glennon Avenue, Mobile 36603
- 104 **MOBILE**  
Beth Marietta ..... 557 Church Street, Mobile 36602
- 105 **MOBILE**  
Taylor F. Harper ..... P. O. Box 229, Grand Bay 36541
-

**STANDING COMMITTEES  
HOUSE OF REPRESENTATIVES  
OF ALABAMA 1987**

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**AGRICULTURE, FORESTRY & NATURAL RESOURCES**

Richardson, Chairperson; Faulk, Vice Chairperson; Blakeney, Breedlove, Bryant, Hamilton, Lindsey, Logan, Mathis, Moon, Penry, Rains, Warren, White (F), Willis.

**BANKING**

Zoghby, Chairperson; Harvey, Vice Chairperson; Beasley, Breedlove, Cosby, Escott, Ford, Hammett, Headley, Hettinger, Hill, Logan, Marietta, Mikell, Petelos.

**BUSINESS & LABOR**

Laird, Chairperson; Willis, Vice Chairperson; Fuller, Goodwin, Hogan, Hooper, Layson, McMillan, Melton, Mikell, Payne, Reed, Richardson, Venable, Walker.

**COMMERCE & INDUSTRIAL DEVELOPMENT**

Adams, Chairperson; Hooper, Vice Chairperson; Box, Brooks, Butler, Carter, Cosby, Curry, Frazier, Holley, Kennedy, Perdue, Poole, Starkey, Warren.

**CONSTITUTION & ELECTIONS**

Venable, Chairperson; Beers, Vice Chairperson; Bowling, Box, Curry, Dillard, Faulk, Headley, Holley, Holmes, Marks, Mathis, Newton, Parker, Perdue.

**EDUCATION**

McMillan, Chairperson; Gray, Vice Chairperson; Bugg, Clark (W), Dillard, Grayson, Grouby, Hill, Johnson (RW) Jr., Knight, Penry, Poole, Slaughter, Turnham, Zoghby.

**HEALTH**

Carothers, Chairperson; Johnson (RG), Vice Chairperson; Beasley, Biddle, Butler, Drake, Faulk, Flowers, Freeman, Hall, Kvalheim, McClain, McDowell, Seibels, White (L).

**HIGHWAY SAFETY**

Britnell, Chairperson; Melton, Vice Chairperson; Bowling, Burke, Buskey (James), Buskey (John), Carothers, Coburn, Crow, Haynes, Hill, McDowell, Newton, Parker, Spratt.

**INSURANCE**

White (L), Chairperson; Flowers, Vice Chairperson; Buskey (James), Frazier, Grouby, Hall, Haynes, Laird, Layson, Lindsey, McKee, Seibels, Spratt, Williams, Willis.



## JUDICIARY

Higginbotham, Chairperson; Box, Vice Chairperson; Beasley, Blakeney, Campbell, Drake, Hettinger, Johnson (RG), Kvalheim, Laird, Marietta, Marks, Petelos, Slaughter, Thomas.

## LOCAL GOVERNMENT

Hettinger, Chairperson; Warren, Vice Chairperson; Davis, Hamilton, Higginbotham, Holley, Junkins, Knight, Parker, Reed, Richardson, Seibels, Thomas, Turner, Wright.

## LOCAL LEGISLATION NO. 1

Rains, Chairperson; Moon, Vice Chairperson, Black, Bryant, Carter, Flowers, Fuller, Hamilton, Junkins, Laird, Melton, Starkey, White (F), White (L), Willis.

## LOCAL LEGISLATION NO. 2

White (G), Chairperson; McDowell, Vice Chairperson; Beers, Biddle, Curry, Davis, Escott, Gray, McClain, Newton, Payne, Perdue, Petelos, Rogers, Seibels, Slaughter, Spratt, Wright.

## LOCAL LEGISLATION NO. 3

Marietta, Chairperson; Clark (W), Vice Chairperson; Box, Buskey (JE), Gaston, Harper, Kennedy, Kvalheim, Turner, Zoghby.

LOCAL LEGISLATION NO. 4  
(Madison)

Hall, Chairperson; Freeman, Vice Chairperson; Brooks, Butler, Grayson, Hettinger.

LOCAL LEGISLATION NO. 4  
(Montgomery)

McKee, Chairperson; Walker, Vice Chairperson; Buskey (JL), Holmes, Hooper, Mikell.

## MILITARY AFFAIRS

Ford, Chairperson; Starkey, Vice Chairperson; Biddle, Blake, Britnell, Bryant, Crow, Grayson, Johnson (RG), Mathis, McDowell, Moon, Newton, Petelos, Slaughter.

## OIL &amp; GAS

Marietta, Chairperson; Johnson (RW) Jr., Vice Chairperson; Adams, Breedlove, Butler, Clark (W), Coburn, Hogan, Kvalheim, Logan, Newman, Penry, Rogers, Turner, White (F).

## PUBLIC UTILITIES &amp; TRANSPORTATION

Davis, Chairperson; White (G), Vice Chairperson; Buskey (JE), Cosby, Crow, Ford, Gaston, Gray, Hammett, Johnson (RW) Jr., Lindsey, Newman, Rogers, Walker, Zoghby.

## PUBLIC WELFARE

Reed, Chairperson; Thomas, Vice Chairperson; Black, Blake, Bowling, Brooks, Bugg, Buskey (JL), Curry, Goodwin, Harvey, Knight, Rains, Turner, Williams.

## RULES

Carter, Chairperson; Ford, Vice Chairperson; Beers, Campbell, Carothers, Hall, Hammett, Harvey, Headley, Payne, Reed, Starkey, Venable, Warren, White (F).

## SMALL BUSINESS

Walker, Chairperson; Escott, Vice Chairperson; Black, Blakeney, Brooks, Burke, Buskey (JL), Frazier, Goodwin, Gray, Hogan, Holmes, McMillan, Mikell, Poole.

## STATE ADMINISTRATION

Gaston, Chairperson; Butler, Vice Chairperson; Biddle, Blake, Britnell, Bugg, Clark (W), Dillard, Faulk, Grouby, Haynes, Hooper, Moon, Newman, Penry.

## TOURISM, ENTERTAINMENT &amp; SPORTS

Williams, Chairperson; Hammett, Vice Chairperson; Beers, Dillard, Gray, Hamilton, Harper, Higginbotham, Holley, Holmes, Johnson (RG), Junkins, Marietta, Mathis, Reed.

## WAYS &amp; MEANS

Harper, Chairperson; Turnham, Vice Chairperson; Adams, Burke, Coburn, Freeman, Fuller, Junkins, Kennedy, Layson, McClain, McKee, White (G), Williams, Wright.

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**ORGANIZATIONAL SESSION 1987**

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## RESOLUTIONS

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#### CONDOLENCES

- Dixon, mr. Solon, of Andalusia, death mourned—  
SJR 8, pages 26, 51, 55, 64, Act no. 87-22
- Faulk, mr. Bobby Joe, of Phenix City, death mourned—  
SJR 9, pages 27, 51, 55, 64, Act no. 87-21
- Greenfield, dr. William Russell, jr., of Dothan, death mourned—  
SR 34, page 53
- Gross, mr. William Wallace, of Scottsboro, death mourned—  
HJR 12, pages 31, 45, Act no. 87-4
- Mitchell, mr. William Pharris, of Tuskegee institute, death mourned—  
SR 26, page 50
- Starkey, mr. William David, of Hollywood, death mourned—  
HJR 13, pages 31, 45, Act no. 87-5
- Vincent, mr. Harry F., of Huntsville, death mourned—  
HJR 15, pages 32, 45, Act no. 87-7

#### CONGRATULATORY

- Bailey, mr. Harry, mr. Harold Coachman, mr. Ernest Flowers, mr. Ronnie Lee, and mr. Robert Watkins, commended for their outstanding deeds of great courage and heroism—  
SR 32, page 52  
SJR 33, pages 53, 60, 62, 64, Act no. 87-18
- Bell, rev. and mrs. Dwight L., of Livingston, commended on the occasion of their 50th wedding anniversary—  
HJR 26, pages 32, 46, Act no. 87-13
- Benton, sheriff Thomas H. "Buck", of Baldwin county, commended on his distinguished law enforcement career—  
HJR 14, pages 31, 45, Act no. 87-6
- Bittinger, coach Herman, of Crossville high school, commended for outstanding service to football program—  
SR 29, page 50
- Blackwell, mr. Thomas Alvin, of Huntsville, commended for outstanding achievement and community service—  
SR 21, page 49
- Bobo, coach Harold, of Crossville high school, commended on his long and successful coaching career—  
SR 25, page 50
- Bouldin, coach Kent, of Crossville high school, commended for contributions to athletic department—  
SR 30, page 50

## CONGRATULATORY (Continued)

Coachman, mr. Harold, mr. Harry Bailey, mr. Ernest Flowers, mr. Ronnie Lee, and mr. Robert Watkins, commended for their outstanding deeds of great courage and heroism—

SR 32, page 52

SJR 33, pages 53, 60, 62, 64, Act no. 87-18

Coleman, sheriff Louie C., of Carrollton, commended for his distinguished law enforcement career—

SJR 11, pages 42, 54, 58, 64, Act no. 87-14

Connor, skipper Dennis, and crew of "stars and stripes '87", commended on their win over New Zealand's "kiwi" in the America's cup challenger finals—

SR 24, page 49

Conrad, dr. Lora P., of northwest Alabama state junior college, commended as recipient of the special recognition award of the national council for resource development—

SR 16, page 47

Crosby, mr. and mrs. Joseph Raymond, III, of Montgomery, commended on the birth of their son and daughter—

HJR 47, pages 59, 63, Act no. 87-26

Crossville high school football team and coaches, commended as 1986 class 3A state football champions—

SR 23, page 49

Dierlman, col. Mark J., lt. gen. Truman Spangrud and Maxwell air force base, appreciation expressed for courtesies extended for inaugural dinner and dance honoring lt. gov. and mrs. James E. Folsom, jr.—

SR 22, page 49

Flowers, mr. Ernest, mr. Harry Bailey, mr. Harold Coachman, mr. Ronnie Lee, and mr. Robert Watkins, commended for their outstanding deeds of great courage and heroism—

SR 32, page 52

SJR 33, pages 53, 60, 62, 64, Act no. 87-18

Gadsden high school football team commended as the 1986 class 5A state football champions—

HJR 24, pages 32, 45, Act no. 87-11

Green, mrs. Nancy J., of Huntsville, commended for outstanding professional achievement and community service—

SR 19, page 49

Henderson, mr. and mrs. Jake M., of Alexander City, commended on the occasion of their 50th wedding anniversary—

HJR 51, pages 59, 63, Act no. 87-25

Hibbs, coach Roger Earl, of Crossville high school, commended for outstanding professional achievement—

SR 31, page 51

Hinds, mr. Joe M., jr., of Huntsville, commended as president of the Huntsville-Madison county chamber of commerce—

SR 20, page 49

## CONGRATULATORY (Continued)

Lee, mr. Ronnie, mr. Harry Bailey, mr. Harold Coachman, mr. Ernest Flowers, and mr. Robert Watkins, commended for their outstanding deeds of great courage and heroism—

SR 32, page 52

SJR 33, pages 53, 60, 62, 64, Act no. 87-18

Lee, mr. Shon, mr. Jay McAfee, and mr. Chip Powell, of Prattville, commended for their outstanding accomplishments in college football—

HJR 37, pages 51, 55, Act no. 87-30

Litchfield high school football team, commended as class 4A state football champions—

HJR 39, pages 51, 55, Act no. 87-31

Maxwell air force base, lt. gen. Truman Spangrud, and col. Mark J. Dierlman, appreciation expressed for courtesies extended for inaugural dinner and dance honoring lt. gov. and mrs. James E. Folsom, jr.—

SR 22, page 49

McAfee, mr. Jay, mr. Shon Lee, and mr. Chip Powell, of Prattville, commended for their outstanding accomplishments in college football—

HJR 37, pages 51, 55, Act no. 87-30

McBride, dr. Rick, former state representative, commended for service as legislative liaison for the state department of education—

SJR 12, pages 43, 54, 58, 64, Act no. 87-15

McCracken, coach Spence, of Lee high school, Montgomery, commended upon selection by "USA Today" as high school coach of the year—

SR 27, page 50

Montgomery citizens commended for initiation of "project safe place"—

SJR 7, pages 26, 51, 55, 64, Act no. 87-23

Mothers against drunk driving, Madison county chapter, commended for efforts to ensure safe holiday season—

HJR 16, pages 30, 45, Act no. 87-8

Powell, mr. Chip, mr. Jay McAfee, and mr. Shon Lee, of Prattville, commended for their outstanding accomplishments in college football—

HJR 37, pages 51, 55, Act no. 87-30

Rains, mr. Thomas Euclid, jr., of Geraldine, commended for outstanding accomplishment—

SJR 10, pages 32, 51, 56, 64, Act no. 87-20

Rice, coach Jerry Wayne, of the Crossville high school lions, commended for team's outstanding season—

SR 28, page 50

Robert E. Lee high school football team, of Montgomery, commended as state 6A football champions—

SJR 6, pages 25, 51, 55, 64, Act no. 87-24

HJR 17, pages 30, 45, Act no. 87-9

## CONGRATULATORY (Continued)

Spangrud, lt. gen. Truman, col. Mark J. Dierlman and Maxwell air force base, appreciation expressed for courtesies extended—  
SR 22, page 49

“Stars and stripes ’87” crew and skipper Dennis Connor, commended on their win over New Zealand’s “kiwi” in the America’s cup challenger finals—  
SR 24, page 49

Tate, mr. Lavern, of Florence, commended on his distinguished tenure to the office of district attorney—  
SR 17, page 48

Watkins, mr. Robert, mr. Harry Bailey, mr. Harold Coachman, mr. Ernest Flowers, and mr. Ronnie Lee, commended for their outstanding deeds of great courage and heroism—  
SR 32, page 52  
SJR 33, pages 53, 60, 62, 64, Act no. 87-18

Webb, mr. Dana, of Huntsville, commended as 1986 broadcaster of the year—  
HJR 20, pages 30, 45, Act no. 87-10

Williams, mr. and mrs. Wright, of Gainesville, commended on the occasion of their 50th wedding anniversary—  
HJR 25, pages 32, 45, Act no. 87-12

## DESIGNATIONS

Emyl Griffin gymnasium at Lineville high school, named—  
SJR 14, pages 44, 54, 58, 64, Act no. 87-17

Leonard Brooks gymnasium at Clay county high school, named—  
SJR 13, pages 43, 54, 58, 64, Act no. 87-16

## LEGISLATIVE

Acts and journals, binding of, regulated—  
HJR 32, pages 42, 54, Act no. 87-27

Finances and budgets, interim committee, created—  
SJR 18, pages 48, 52, 56, 59, 63, 64, Act no. 87-19

Governor, committee appointed to advise and escort the honorable George C. Wallace, sr., to joint session—  
SJR 2, pages 6, 8  
HJR 8, pages 29, 45, Act no. 87-3

Governor, joint committee named to notify of convening—  
SJR 1, pages 6, 7  
HJR 3, pages 28, 45, Act no. 87-1

Governor, joint session convened to hear address by the honorable Guy Hunt—  
HJR 34, pages 41, 54, Act no. 87-29

Joint session called for the purpose of witnessing election returns of executive officers from general election—  
SJR 4, pages 7, 51  
HJR 7, page 29

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SJR 3, pages 7, 8

SJR 15, pages 47, 54

Parking committee, joint, created—

HJR 5, pages 30, 45, Act no. 87-2

Rules, joint, adopted—

HJR 35, pages 36, 54, Act no. 87-28

Rules, senate, adopted—

SR 5, page 8



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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1987**

**HELD IN THE CITY OF MONTGOMERY,  
COMMENCING TUESDAY, APRIL 21, 1987**



**Vol. 1**

**WITH AN INDEX PREPARED BY THE  
SECRETARY OF THE SENATE**

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2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
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7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
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**JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF ALABAMA  
REGULAR SESSION OF 1987**

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**FIRST LEGISLATIVE DAY**

**TUESDAY, APRIL 21, 1987**

This being the third Tuesday in April, A.D., 1987, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by the Reverend Doctor Hayden Center, Pastor, Heritage Baptist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Bridgette Rudolph, Robert E. Lee High School, Montgomery, Alabama.

**ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

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**MESSAGE FROM THE HOUSE**

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

## INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Senator Ellis:

S. 1. To amend further Code of Alabama 1975, Section 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty; to create the Alabama Traffic Safety Center Fund; to provide that the additional amounts shall be used to support programs of the Alabama Traffic Safety Center; and to fund courses in the driver safety, motorcycle safety and boating safety.

Committee on Governmental Affairs.

By Senator Ellis:

S. 2. To amend Section 16-5-2, Code of Alabama 1975, which relates to the composition of the Alabama commission on higher education, so as to deny membership to persons associated with private institutions of higher learning of this state, provided that all present members of the commission who are associated with a private institution of higher learning shall be allowed to complete their respective terms of office.

Committee on Education.

By Senator Amari (With Notice and Proof):

S. 3. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 3, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bennett:

S. 4. To amend Section 17-22-10 of the Code of Alabama 1975, relating to disclosure statements on election campaign finances, so as to provide further for such statements.

Committee on Governmental Affairs.

By Senator Drinkard:

S. 5. To amend Section 34-24-51 of the Code of Alabama 1975 relating to practicing medicine or osteopathy without a license, so as to provide for

exemption of accredited Christian Scientists practicing healing by spiritual means.

Committee on Health.

By Senator Corbett:

S. 6. To reopen the Teachers' and Employees' Retirement Systems of Alabama for purchase of certain service credit; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; to provide that this act shall take effect October 1, 1987, and to provide for its termination on October 1, 1988.

Committee on Finance and Taxation.

By Senator Corbett:

S. 7. Relating to interest charged by banks on credit cards; prohibiting interest rates any higher than the lowest amount charged by any bank in the United States.

Committee on Banking and Insurance.

By Senator Bedford:

S. 8. To repeal Section 40-21-53 which now imposes a 2.2% gross receipts utility license tax on electric, hydroelectric, gas and other public utilities, to repeal Section 40-21-54 directing deduction of the 2.2% gross receipts utility license tax from the computation of other gross receipts taxes and to repeal Section 40-21-55 providing for the distribution of revenues from the 2.2% gross receipts utility license tax.

Committee on Finance and Taxation.

By Senator Coleman (Withdrawn):

S. 9. To authorize the State Building Commission to study and make recommendations as to the economic feasibility of renting or building office space to house state offices and to provide for the employment of real estate appraisers and to make an appropriation.

Committee on Governmental Affairs.

By Senator Coleman (Withdrawn):

S. 10. To amend Section 41-16-120, Code of Alabama 1975, which section relates to sales of surplus state property by the surplus property division of the department of economic and community affairs, so as to provide for a 30 day period of payment by those legal entities named in subsection (e) which purchase surplus property, and to allow non-profit corporations to purchase such property, provided the federal surplus property purchasing guidelines are followed.

Committee on Governmental Affairs.

By Senators Cabaniss, Bedford, Rice, Dial, Barron, and Bailey:

S. 11. To amend Section 40-18-19 of the Code of Alabama 1975 relating to income tax exemptions, so as to provide further for such exemptions.

Committee on Finance and Taxation.

By Senators Cabaniss, Rice, Dial, Barron, Bedford, and Bailey:

S. 12. Proposing an amendment to the Constitution of Alabama of 1901, relative to providing for a reserve in the annual budget of the state general fund and the Alabama special educational trust fund.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Senator Corbett:

S. 13. To exempt the Dixie Youth Baseball and Ladonia Recreation Association in Russell County from all state and local sales and use taxes.

Committee on Finance and Taxation.

By Senator Corbett:

S. 14. To amend Section 40-21-82.1, Code of Alabama 1975, which provides for certain exemptions from the utility gross receipts tax, so as to include the Ladonia-Crawford Water and Fire Protection Authority within the exemptions.

Committee on Finance and Taxation.

By Senator Corbett:

S. 15. To exempt the Tuskegee Civic Association, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Corbett:

S. 16. To provide for further income tax exemptions in Section 40-18-19, Code of Alabama 1975, as last amended, to certain classes of taxpayers engaged in certain functions, so as to include certain income under the United States Foreign Service retirement and disability fund in such exemptions; to provide for the effective date January 1, 1986, and thereafter.

Committee on Finance and Taxation.

By Senator Corbett:

S. 17. To require any person or entity desiring to operate an amusement ride or amusement attraction in the State of Alabama to make application for and obtain a permit to do so; to require the designation of an agent for service of process; to require proof of liability insurance coverage for personal injury, death or property damage as a condition of obtaining such permit; to provide definitions; to provide for an annual permit fee and for the disposition thereof; to provide exemptions; to authorize the insurance commissioner to make rules to implement this act; to provide penalties for violations; and to establish an effective date.

Committee on Business and Labor Relations.



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By Senator Corbett:

S. 18. To amend Section 34-6-32, Code of Alabama 1975, which relates to licenses for billiard rooms, so as to delete the requirements of posting a bond and to provide for a penalty for any misrepresentation on the affidavit.

Committee on Business and Labor Relations.

By Senator Corbett:

S. 19. To require certain deer hunters using modern firearms and any person accompanying one hunting deer to wear a minimum of 500 square inches of outer clothing consisting of hunter orange or daylight fluorescent orange material during certain hunting seasons and on certain lands; and to provide for penalties for violations.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Dial, Dixon, Manley, Rice, Goodwin, and Cabaniss:

S. 20. Proposing an amendment to the Constitution of Alabama of 1901 designating English the official language of the state of Alabama.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Senator Bennett:

S. 21. To prohibit any person who first votes in the primary election of one party from crossing-over and voting in the subsequent run-off or primary election of another party; to prescribe misdemeanor penalties for violations of this act; to preserve the rights of the political party to determine qualifications for membership.

Committee on Governmental Affairs.

By Senator Ellis:

S. 22. To provide for a supplemental appropriation of \$582,722.10 to the University of Montevallo for monies deposited in the state treasury from land transactions from approximately the years 1902 through 1925 to the credit of the University.

Committee on Finance and Taxation.

By Senator Ellis:

S. 23. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Shelby County and having its city hall or municipal headquarters located outside of the boundaries of Shelby County from annexing any future territory in Shelby County without prior referendum approval of a majority of the qualified electors of Shelby County; and providing for such referendum elections.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Ellis:

S. 24. Relating to funds in the state treasury resulting from the sale, rental or use of lands granted to the University of Montevallo by the United States Government and other lands dedicated to the benefit of said university, and held in the state treasury for the benefit of said university, so as to direct the state treasurer to transfer said funds to the treasurer of the University of Montevallo, to be deposited to the credit of the University of Montevallo Restricted Endowment Fund as provided by Sections 16-54-16, 16-54-17 and 16-54-18, Code of Alabama 1975, and in compliance with Section 257 of the state constitution.

Committee on Finance and Taxation.

By Senator Ellis:

S. 25. Proposing an amendment to the Constitution of Alabama of 1901 relating to Shelby County so as to prohibit annexation of territory within Shelby County by out of county municipalities without a vote of the people of Shelby County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Ellis:

S. 26. To amend Section 8-20-8 of the Code of Alabama 1975, relating to "The Motor Vehicle Franchise Act" so as to prohibit unfair and deceptive trade practices as to new motor vehicles.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Ellis:

S. 27. To define "daylight hours" for the purpose of hunting game birds and animals.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Ellis:

S. 28. To exempt athletic events held by certain schools from state sales and use taxes.

Committee on Finance and Taxation.

By Senator Ellis:

S. 29. To amend Section 16-5-9 of the Code of Alabama 1975, relating to the budget proposals by the Alabama Commission on Higher Education, so as to provide further for procedures and criteria relating to such budget proposals.

Committee on Finance and Taxation.

By Senator Ellis:

S. 30. To prohibit any municipality from using public highways, roads, easements or rights-of-way to achieve annexation of land not otherwise contiguous to the municipality and to provide for retroactive effect.

Committee on Governmental Affairs.

By Senator Parsons:

S. 31. Prescribing certain posting and notification requirements for any person, firm, corporation, or other business, which sells any product or item made with or assembled with a component part which is imported from a communist country.

Committee on Economic Affairs.

By Senator Parsons:

S. 32. To prohibit the placement of unsolicited computerized recorded telephone calls and provides for criminal penalties for violation.

Committee on Judiciary.

By Senator Ellis:

S. 33. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to provide that certain types of litter shall constitute prima facie evidence of an individual's criminal actions.

Committee on Judiciary.

By Senators Amari and Cabaniss (Withdrawn):

S. 34. To provide immunity from civil liability for directors, trustees, or members of governing bodies of not-for-profit corporations, organizations, and associations which are exempt from federal income taxation either (a) under Section 501(c)(3) of the Internal Revenue Code the members of which are exempt or not subject to federal income taxation or (b) under Section 501(c)(4) of the Internal Revenue Code; or (c) under Section 501(c)(5) of the Internal Revenue Code; or (d) under Section 501(c)(6) of the Internal Revenue Code; or (e) under Section 501(c)(7) of the Internal Revenue Code; or (f) under Section 501(c)(10) of the Internal Revenue Code; or (g) under Section 501(c)(12) of the Internal Revenue Code; or (h) under Section 501(c)(19) of the Internal Revenue Code; and to provide certain exceptions.

Committee on Judiciary.

By Senator Preuitt:

S. 35. To amend Section 36-21-2, Code of Alabama 1975, relating to the subsistence allowance for certain specified law enforcement officers, so as to extend the subsistence allowance provided therein to probation and parole officers of the Alabama board of pardons and paroles, fire marshals of the department of insurance, revenue enforcement officers of the department of revenue, and law enforcement officers of the state capitol police; and to make this act retroactive to January 21, 1987.

Committee on Finance and Taxation.

By Senator Parsons:

S. 36. To further amend Section 36-27-51, Code of Alabama 1975, as amended, reopening the Employees' Retirement System of Alabama for

certain municipal employees on a certain date, so as to add certain employees of political subdivisions thereof; to prescribe eligibility therefor and the payment for certain creditable service.

Committee on Governmental Affairs.

By Senator Bedsole:

S. 37. To repeal §2-31-2, Code of Alabama 1975, which exempts persons who buy grain for cash at the time of purchase; and licensed public warehouses; to amend §2-31-4, Code of Alabama 1975, which provides bonding requirements for grain dealers so as to remove the waiver of bond for those persons licensed under the United States Department of Agriculture Warehouse Act; and to waive bonding requirements for grain dealers who pay cash for grain at the time of purchase.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Bedsole:

S. 38. To amend Section 8-15-7, Code of Alabama 1975, which provides for insurance and bonding requirements for public warehouses so as to allow a bond equivalent in lieu of a bond in the form of cash or government bonds; to amend §8-15-10, Code of Alabama 1975, which provides civil penalties for operating a public warehouse without being licensed, from civil penalties to a Class "B" misdemeanor.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Bedford:

S. 39. To exempt the Kings Ranch, Incorporated, of Chelsea, Alabama from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Foshee:

S. 40. To provide for the creation and organization of the state transportation office; to provide for the appointment of a state transportation officer; and to amend Sections 41-17-1, 41-17-2, 41-17-3, 41-17-5, 41-17-7 and 41-17-8, Code of Alabama 1975, relating to state-owned motor vehicles, so as to transfer certain powers and duties in relation to such vehicles from the department of finance to the state transportation office.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Langford (With Notice and Proof):

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 41, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Langford:

S. 42. To amend Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which sections relate to recordation taxes levied upon deeds, bills of sale, mortgages or other instruments conveying any interest in real or personal property, so as to exempt the re-recording of such instruments executed in order to correct errors in such instruments, specifically, but not limited to, the correction of maturity dates of such instruments, for the purpose of perfecting the title to real or personal property.

Committee on Governmental Affairs.

By Senator Langford:

S. 43. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional non-deductible contributions.

Committee on Governmental Affairs.

By Senator Langford:

S. 44. To amend Sections 41-16-54 and 41-16-55, Code of Alabama 1975, as amended, by changing the figure "\$2,000.00" wherever same appears to the figure "\$3,000.00" to conform to Section 41-16-50 Code of Alabama 1975, as heretofore amended.

Committee on Governmental Affairs.

By Senator Bedsole:

S. 45. To amend Section 9-11-54, Code of Alabama 1975, which provides for special fishing licenses for totally disabled persons, so as to provide further for said licenses and to provide for special hunting licenses for totally disabled persons.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Bedsole:

S. 46. To establish an official state nongame wildlife print or wildlife stamp; to provide for funding of the program establishing the print or stamp and to provide that the program shall be administered by the Department of Conservation and Natural Resources.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Bedsole:

S. 47. To amend Section 32-6-233.1, Code of Alabama 1975, which prohibits persons not having handicapped decals from parking in places designated for the handicapped, so as to authorize municipalities to increase the fines for violations.

Committee on Judiciary.

By Senator Bedsole:

S. 48. To amend Section 41-9-410, Code of Alabama 1975, which provides for the composition and appointment of members of the Continuing

Women's Commission, so as to provide further for the appointments of the president pro tem of the senate.

Committee on Governmental Affairs.

By Senator Corbett:

S. 49. To amend Section 36-21-67, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to increase certain court costs.

Committee on Governmental Affairs.

By Senator Corbett:

S. 50. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Committee on Governmental Affairs.

By Senator Corbett:

S. 51. To provide for a minimum salary for all police officers of this state and to provide for enforcement of the provisions of this act.

Committee on Governmental Affairs.

By Senator Manley:

S. 52. To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; to provide procedures for filling a vacancy in the office of the mayor in any such municipality; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

Committee on Governmental Affairs.

By Senator Manley:

S. 53. To amend Sections 11-46-21, 11-46-22, 11-46-24, 11-46-25, 11-46-26, 11-46-27, 11-46-36, 11-46-40, 11-46-51, and 11-43-2, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having mayor-council form of government and to establish dates and other procedures required in connection with such elections.

Committee on Governmental Affairs.

By Senator Manley:

S. 54. To amend Sections 11-46-92, 11-46-93, 11-46-96, 11-46-97, 11-46-98, 11-46-107, 11-46-111, and 11-46-122, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having

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commission form of government and to establish dates and other procedures required in connection with such elections.

Committee on Governmental Affairs.

By Senators Cabaniss and Amari:

S. 55. To establish an Alabama Men's Hall of Fame; prescribes its purposes and membership; and provides for election of members and officers and for holding of meetings.

Committee on Judiciary.

By Senator Holmes:

S. 56. To prescribe an additional criminal penalty for the sale, use, or distribution or the attempted sale or distribution of controlled substances in public or private schools in this state, or on the grounds of, or in the facilities of, any such school.

Committee on Judiciary.

By Senators Campbell, Bedford, and Amari:

S. 57. To require the posting of vacancy notices by all public school systems and certain educational institutions at each school campus or work site and to require the advertisement of such vacancies in the local newspaper at least 20 calendar days or 15 workdays before such personnel positions are to be filled.

Committee on Education.

By Senator Campbell (With Notice and Proof):

S. 58. Relating to Morgan County; authorizing the county to pay all its employees whose compensation is provided for by local act bi-weekly instead of semi-monthly and to repeal all provisions of all local acts which conflict with this act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 58, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dial (With Notice and Proof):

S. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Heflin, in Cleburne County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 59, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Menton:

S. 60. To amend Sections 12-15-1, 12-15-30, 12-15-32, 12-15-33 and 12-15-34, Code of Alabama 1975, which provides for juvenile proceedings,

so as to redefine "child" as one under 16 years of age and "adult" as one 16 years old or older; remove the special provisions involving traffic offenses; and provide that transfer of a juvenile to adult court terminates juvenile court jurisdiction over that child with respect to pending or subsequent acts.

Committee on Judiciary.

By Senator Menton:

S. 61. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Senator Menton:

S. 62. To amend further sections 40-23-4 and 40-23-62 of the Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include certain materials, supplies and equipment used in offshore federal waters; and to provide for an effective date.

Committee on Finance and Taxation.

By Senator Menton:

S. 63. To amend Section 16-13-52, Code of Alabama, 1975, relating to the minimum school program fund, so as to change the attendance period for apportioning the minimum program fund from the first four scholastic months to the first two scholastic months for the preceeding school year and to repeal subsection (b).

Committee on Education.

By Senator Menton:

S. 64. To amend Code of Alabama 1975, §§ 12-15-1, 12-15-30, 12-15-32, 12-15-33, and 12-15-34, relating to juvenile proceedings, so as to re-define "child": as one under 16 years of age and "adult" as one 16 years old or older; remove the special provisions involving traffic offenses; provide that transfer of a juvenile to adult court terminates juvenile court jurisdiction over that child with respect to pending or subsequent acts; and to make other changes.

Committee on Judiciary.

By Senator Bedford:

S. 65. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor



certification procedure, and to approve other courses; to provide penalties for violation of this act.

Committee on Agriculture,  
Conservation, and Forestry.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House Reps. White (G), McMillan, and Davis.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Dial, Manley, and Hale.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:15 P.M. on April 21, 1987 for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses

will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker appointed as a committee on the part of the House, Reps. Gaston, Reed, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Hand, Bedsole, and Cabaniss.

### **MOTION TO ADJOURN**

At 12:40 P.M., Senator deGraffenried moved that the Senate take a recess until 6:15 P.M. this evening, at which time the Senate will convene with the House in Joint Session to hear the Message of Governor Hunt; Senator deGraffenried further moved that upon completion of the Joint Session, the Senate would adjourn until Thursday, April 23, 1987, at 10 o'clock A.M.

Senator Parsons moved for a division of the question, whereupon Senator deGraffenried divided and restated his motion as follows:

Senator deGraffenried moved that when the Senate adjourns today, it adjourn until Thursday, April 23, 1987, at 10 o'clock A.M., which motion was adopted.

Senator deGraffenried then moved that the Senate convene in Joint Session with the House at 6:15 P.M. to hear the Message of the Governor, which motion was adopted.

Senator deGraffenried then moved that the Senate take a recess until 6:15 P.M., with the Journal left open to receive introduction of bills.

Senator Parsons offered a substitute motion that the Senate take a recess until 6:15 P.M.

### **POINT OF ORDER**

Senator Corbett raised the following Point of Order: Can the Senate properly keep the Journal open during a recess to receive introduction of bills without the unanimous consent of the Senate?

The President and Presiding Officer sustained the Point of Order, and declared the deGraffenried motion out of order.

### **MOTION TO RECESS LOST**

The question then recurred on the substitute motion of Senator Parsons that the Senate take a recess until 6:15 this evening, which motion was lost.

**COMMITTEE REPORT FILED**

The report of the Joint Governor's/Legislative Task Force on Child Day Care, created by Act No. 86-672, H. J. R. 89, Special Session 1986, was read and ordered filed with the Secretary.

**INTRODUCTION OF BILLS RESUMED**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 66. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1988, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance and Taxation.

By Senator Denton:

S. 67. To propose an amendment to the Constitution so as to permit members of county commissions to participate in such retirement plans that are established by law; to further permit any member of a county commission who is a member of the state retirement plan who is elected to state office to continue such participation during his term of office.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 68. To propose and provide for the submission of an amendment to the Constitution of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 69. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste

collection and disposal facilities for solid wastes; to grant to the various county commissions the power and authority by resolution or ordinance to adopt rules and regulations providing for the assessments for the whole or any part of the cost of such collection and disposal; to provide for the orderly collection of such assessments; to provide that such assessments shall constitute a lien on the property against which they are assessed and, in the case of default in the payment of such assessments, the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes; and to provide for appeals from any such assessments.

Committee on Governmental Affairs.

By Senator Denton:

S. 70. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Committee on Judiciary.

By Senator Denton:

S. 71. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of at least one-half of his accrued sick leave.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 72. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

Committee on Judiciary.

By Senators Smith (J), Bailey, and Bennett:

S. 73. To provide further for the number of students in state funded academic classrooms in the public schools in Alabama.

Committee on Education.

By Senator Smith (J):

S. 74. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

Committee on Judiciary.

By Senator Smith (J):

S. 75. To amend Code of Alabama 1975, §20-2-80 to further define the crime of trafficking in illegal drugs by adding to the list of drugs for which trafficking penalties are provided; to amend Code of Alabama 1975, §20-2-80(6) to replace the provision that a second violation of §20-2-80 is subject to a life without parole sentence with a provision that violations of it are Class A felonies for purposes of Title 13A, including sentencing under

the Habitual Felony Offender Act, with certain provisos; to amend Code of Alabama 1975, §20-2-81(a) to further define the restriction on early, conditional, or temporary release of anyone convicted of violating §20-2-80; to amend Code of Alabama 1975, §20-2-81(b) to further define and restrict the circumstances in which the sentence of someone convicted of violating §20-2-80 may be reduced or suspended in return for assistance rendered law enforcement; to provide for incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal any conflicting laws or parts of laws; to specify the conduct to which this act applies; to provide for severability; and to provide an effective date.

Committee on Judiciary.

By Senator Smith (J):

S. 76. To provide further for circumstances permitting the use of deadly physical force by occupants of a dwelling against intruders and to provide for immunity from criminal prosecution and civil liability for the use of such force.

Committee on Judiciary.

By Senator Smith (J):

S. 77. To provide that a convicted felon shall serve his sentence in a state penal facility unless the sentencing judge directs that such sentence is to be served in a county jail; to provide for certain conditions and requirements in the event a convicted felon or state inmate shall be assigned to a county jail to serve a portion of a sentence; and to provide for exceptions.

Committee on Judiciary.

By Senator Smith (J):

S. 78. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Committee on Judiciary.

By Senator Smith (J):

S. 79. To amend Section 13A-11-11, Code of Alabama 1975, as amended, relating to the crime and penalty for falsely reporting an incident, so as to increase the penalty to a felony.

Committee on Judiciary.

By Senator Smith (J):

S. 80. To amend Section 11-42-100, Code of Alabama 1975, as amended, so as to improve and to clarify the legislative intent of said Section by providing for petition certification by the judge of probate, time for election, effective date of consolidation of municipalities, and time for subsequent elections.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 81. To define and set the punishment for the crimes of: unlawful distribution of controlled substances; unlawful possession or receipt of controlled substances; and unlawful possession of marihuana in the first and

second degrees; to amend Code of Alabama 1975, 20-2-71, 20-2-72, 20-2-73; and 20-2-74; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-76, and 20-2-77, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Senator Smith (J):

S. 82. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state or the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

Committee on Judiciary.

By Senator Smith (J):

S. 83. To provide for an Alabama Trade Secrets Act. To provide definitions, considerations for determining misappropriation, the remedies available for actual and threatened misappropriation and provide a two year statute of limitations.

Committee on Judiciary.

By Senator Smith (J):

S. 84. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

Committee on Judiciary.

By Senators Smith (J), Bedford, Drinkard, and Campbell:

S. 85. To amend §32-5A-191, Code of Alabama 1975, which relates to the offense of driving under the influence of alcohol or controlled substances (DUI) and the penalties therefor, so as to require all persons convicted of violating said §32-5A-191 or a municipal ordinance prohibiting operation or actual physical control of a vehicle while under the influence of alcohol or controlled substances, to attend and complete a DUI court referral program certified or approved by the State Administrative Office of Courts; and to provide that completion of such program shall be in addition to the punishments and sanctions now provided by §32-5A-191, Code of Alabama 1975.

Committee on Judiciary.

By Senator Smith (J):

S. 86. To amend Code of Alabama 1975, §13A-5-40(a)(5) to provide that murder of a law enforcement officer or prison or jail guard on duty is a capital offense regardless of whether the defendant knew or should have known that the victim was an officer or guard on duty; to state the need for such an amendment; to provide for severability; to provide an effective date.

Committee on Judiciary.

By Senators Campbell, Amari, Bedford, Hale, Foshee, Denton, Corbett, Goodwin, Menton, Covington, Bennett, Holmes, and Sanders:

S. 87. To amend Section 13A-10-1, Code of Alabama, 1975, relating to definitions so as to define certain school records as "governmental records" and to include school systems and institutions in the definition of government so as to make it illegal to knowingly falsify certain school records.

Committee on Judiciary.

### POINT OF PERSONAL PRIVILEGE

Senator Parsons stated that Senator Campbell had requested that his first Bill, S. B. 87, be read at length, and that the Journal reflect said reading, which request was honored.

### INTRODUCTION OF BILLS RESUMED

By Senators Bishop, Goodwin, Covington, Foshee, Menton, Corbett, Bedford, Parsons, Langford, Figures, Amari, Campbell, Rice, Drinkard, Bennett, Smith (B), Denton, Bailey, Sanders, Hilliard, and Barron:

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

Committee on Banking and Insurance.

By Senators Bedford, Barron, Parsons, Amari, Dixon, Drinkard, and Preuitt:

S. 89. Relating to holding down malpractice insurance costs; to require insurance companies which sell medical and legal liability insurance in this

state to report to the appropriate state licensing agencies any judgment or settlement resulting from certain claims for personal injuries, losses or damages caused by an error, omission or negligence in the performance of such professional services; to provide for the form and content of the report made by the insurance company; to provide for the confidentiality of all reports required by this provision and all findings and records made by the licensing board thereon; and to provide penalties for failure to make required reports.

Committee on Judiciary.

By Senators Bedford, Dial, Amari, and Drinkard:

S. 90. To allow certified copies of case action summary or docket sheets or other court records to be admitted into evidence for the purpose of proving that a person has been previously convicted of a crime.

Committee on Judiciary.

By Senators Bedford, Dial, Bennett, Bedsole, and Hale:

S. 91. To require elected public officials and their employees and certain other persons who have any financial interest in any commercial hazardous waste disposal site in the state of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this act.

Committee on Health.

By Senators Smith (B), Cabaniss, Hand, Hale, and Manley:

S. 92. To amend §20-2-80, Code of Alabama 1975, to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by §20-2-80, Code of Alabama 1975.

Committee on Judiciary.

By Senators Smith (B), Cabaniss, Hand, Hale, Manley, and Ellis:

S. 93. To amend Sections 13A-10-31 and 13A-10-32 of the Code of Alabama 1975, relating to the crime of escape, so as to increase the penalty for such crime.

Committee on Judiciary.

By Senators Smith (B), Cabaniss, Hand, Hale, Manley, and Ellis:

S. 94. To require persons arrested for a felony offense to provide a social security number, a birth certificate, or other proof to verify identity prior to being released.

Committee on Judiciary.

By Senators Smith (B), Cabaniss, Hand, Hale, and Ellis:

S. 95. To amend Sections 14-10-1 and 14-10-2, Code of Alabama, 1975, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense and to allow state inmates to waive discharge benefits.

Committee on Judiciary.



By Senators Barron and Bedford:

S. 96. To further amend Section 40-6-1, Code of Alabama 1975, as amended, so as to provide further for the qualifications for appointment as a supernumerary official.

Committee on Governmental Affairs.

By Senators Barron, Hand, and Dial:

S. 97. To state the background of this act and the intent of the legislature in passing it; to provide that the parties to any sale or purchase of real property, which shall include the sale and purchase of any improvements on such real property, shall have the right and ability to state in writing that such transaction shall not be subject to any implied warranties which exist now or in the future, and in such case, no implied warranties shall apply to such transaction, including the implied warranty of fitness and habitability as stated by the Alabama Supreme Court in *Cochran v. Keeton*, 287 Ala. 439, 252 So. 2d 313, *Capra v. Smith*, 372 So. 2d 321, and *Sims v. Lewis*, 374 So. 2d 298, and their progeny; to provide language which will be sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability as stated in such court decisions; to provide for the retroactive effect of this law for transactions which comply with it; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Senators Barron and Hand:

S. 98. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Barron (With Notice and Proof):

S. 99. Relating to DeKalb County; to create a motor vehicle license and title division within the tax assessor's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by the tax assessor's office; to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 99, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Drinkard:

S. 100. To amend §16-25-14(a) Code of Alabama 1975 to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

Committee on Finance and Taxation.

By Senators Drinkard, Cabaniss, Hand, Holmes, Bailey, and Dixon:

S. 101. To further amend Section 25-5-9, Code of Alabama 1975, as amended, relating to industrial relations and labor, and employers' liabilities for qualifying as self-insurers, so as to provide further therefor, to permit pooling liabilities for reinsurance purposes.

Committee on Banking and Insurance.

By Senators Drinkard, Cabaniss, Hand, Holmes, Bailey, and Dixon:

S. 102. To further amend Section 25-5-9, Code of Alabama 1975, as amended, relating to industrial relations and labor, and employers' liabilities for qualifying as self-insurers, so as to provide further therefor, to permit pooling liabilities for reinsurance purposes.

Committee on Banking and Insurance.

### QUORUM CALL REQUESTED

At 1:30 P.M., Senator Corbett requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Manley    |     |
| Bailey    | Corbett       | Ellis    | Preuitt   |     |
| Bedford   | deGraffenried | Foshee   | Rice      |     |
| Bedsole   | Dial          | Hale     | Smith (B) |     |
| Bishop    | Dixon         | Hand     | Smith (J) | —19 |

### INTRODUCTION OF BILLS RESUMED

By Senators Drinkard, Corbett, Dixon, Langford, Bedsole, Rice, deGraffenried, and Bailey:

S. 103. To provide adequate minimum coverage for the diagnosis, treatment and rehabilitation of mental, emotional or nervous disorders, drug abuse or alcoholism to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and repeals §§27-20A-1 through 27-20A-4, Code of Alabama.

Committee on Banking and Insurance.

By Senator Drinkard:

S. 104. To amend Section 35-10-26, Code of Alabama 1975, so as to provide that title passing by a mortgage will not divest until all secured obligations are paid, there is no commitment by the mortgagee to make

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advances, incur obligations or otherwise give value under any agreement; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide an effective date.

Committee on Banking and Insurance.

By Senator Preuitt:

S. 105. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senator Preuitt:

S. 106. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senators Holmes and Bishop:

S. 107. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase, grant or condemnation, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Holmes and Bishop:

S. 108. To make a supplemental appropriation from the Airport Development Fund to the Department of Aeronautics for the fiscal year ending September 30, 1987.

Committee on Finance and Taxation.

By Senator Dial:

S. 109. To amend §36-26-5 and §36-26-7 of the Code of Alabama, 1975, as heretofore amended and supplemented, changing and providing further for the composition of, procedure for appointment, qualifications, terms of office, procedure for removal and compensation of members and the director and assistant director of the State Personnel Board.

Committee on Governmental Affairs.

By Senator Dial:

S. 110. To amend Sections 41-9-470 and 41-9-472, Code of Alabama 1975, relating to the purposes and powers of the Motor Sports Hall of Fame Commission, so as to provide certain additional powers.

Committee on Governmental Affairs.

By Senators Dial, Amari, Bedford, and Manley:

S. 111. Proposing an amendment to the Constitution of Alabama of 1901, establishing a state attorneys' inquiry commission which shall conduct

investigations into complaints concerning state attorneys; creating a court of state attorneys to hear complaints filed by the commission; creating a state attorneys' canon promulgating committee to promulgate canons of ethics; and to repeal any prohibition of retirement for District Attorneys.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Senators Dial, Manley, Rice, Hand, Foshee, Barron, Hale, Covington, Campbell, Ellis, Dixon, Preuitt, Bailey, Smith (B), Drinkard, and Amari:

S. 112. To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Ellis, Covington, Smith (B), Bedsole, Smith (J), Hand, Parsons, and Manley:

S. 113. To amend §13A-4-3, Code of Alabama 1975, to upgrade the penalty provisions for criminal conspiracy.

Committee on Judiciary.

By Senators Ellis, Denton, Hand, Bedsole, and Cabaniss:

S. 114. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to

provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the assessment of costs of improvements against railroads; to provide for the preparation of a list of owners and parcels to be assessed; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective or is an incorrect amount; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the

officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any such county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of tenant in common for division of assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of assessment; to provide for the effect of reduction upon assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments against such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws and to establish the effective date of this Act.

Committee on Governmental Affairs.

By Senator Ellis:

S. 115. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Ellis:

S. 116. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senators Ellis, Denton, Hand, Bedsole, and Cabaniss:

S. 117. To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting

systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senators Ellis, Dial, Manley, and Hand:

S. 118. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

Committee on Education.

By Senators Ellis, Cabaniss, Rice, Smith (B), Foshee, Preuitt, Campbell, Denton, and Covington:

S. 119. To amend §15-19-1, Code of Alabama 1975, to provide that no person shall be eligible for Youthful Offender status for offenses or violations of the provisions of Title 32, Code of Alabama, 1975.

Committee on Judiciary.

By Senators Ellis, Cabaniss, Rice, Smith (B), Foshee, Preuitt, Campbell, Denton, and Covington:

S. 120. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of §§20-2-140 through 20-2-144, Code of Alabama 1975, relating to imitation controlled substances, into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, 20-2-76, 20-2-77, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Senators Ellis, Cabaniss, Rice, Smith (B), Foshee, Preuitt, Campbell, Denton, and Covington:

S. 121. To establish the offense of criminal enterprise for the purpose of trafficking in illegal drugs; and to prescribe punishment.

Committee on Judiciary.

By Senator Dial:

S. 122. To amend Section 37-1-12.1, Code of Alabama, 1975, by providing for the number of technical personnel to be hired under that Section,

to provide for the compensation of such personnel, and to provide that employment of such personnel not be subject to the approval of the State Personnel Board.

Committee on Governmental Affairs.

By Senators Cabaniss, Foshee, Dixon, Hand, Bennett, Barron, and Ellis:

S. 123. To amend Act No. 86-645, Acts of Alabama, First Extraordinary Session, 1986, by repealing Section 2 of said Act; and to provide for the transfer back of funds heretofore transferred from the state insurance fund pursuant to Act No. 86-645, by the State Finance Director with approval of the Governor.

Committee on Finance and Taxation.

By Senators Cabaniss, Hand, Smith (B), Dixon, and Ellis:

S. 124. To amend §40-2-10, Code of Alabama 1975, to remove the limitation of police powers granted to revenue department agents and to provide for participation by special agents of the Department of Revenue with other law enforcement agencies investigating illegal drug transactions and other criminal activities for the purpose of ascertaining and prosecuting violations of the state's tax laws, and to collect any tax due.

Committee on Governmental Affairs.

By Senators Cabaniss, Hand, Smith (B), Dixon, and Ellis:

S. 125. To amend §§40-23-2 and 40-23-35, Code of Alabama 1975, to impose an excise tax on unlawful sales, use and other transactions involving certain drugs or controlled substances, and provide for the disposition of the proceeds of the tax.

Committee on Finance and Taxation.

By Senators Cabaniss, Hand, Smith (B), Dixon, Ellis, and Manley:

S. 126. To amend Sections 13A-7-5 and 13A-7-6, Code of Alabama 1975, which provide for burglary in the first and second degree, so as to provide that home burglary is classified as burglary in the first degree.

Committee on Judiciary.

By Senator Parsons:

S. 127. To provide for the expanded coverage of the surviving spouse and dependent children of a member of the Alabama Peace Officers Annuity and Benefit Fund who has membership service for not less than three (3) years, nor more than twenty-five (25) years, upon the death of such member prior to retirement; to provide for monthly benefits to the surviving spouse and dependent children of such members; to provide for the necessary allocation of funds from the Alabama Peace Officers Annuity and Benefit Fund; to provide for certain definitions; and to provide for an effective date of October 1, 1987.

Committee on Finance and Taxation.

By Senators Bennett, Bedford, Foshee, Horn, Campbell, Parsons, and Amari:

S. 128. To create the "Alabama environmental protection superfund"; to levy a fee for operators of hazardous waste sites to fund the superfund;



to provide that such fund shall be used for clean-up operations of certain toxic and hazardous waste sites; to provide that such fund shall be administered by the Alabama department of environmental management; to direct said department to secure federal matching funds whenever possible and to provide for future appropriations for such superfund.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Bennett, Hilliard, Amari, Drinkard, Bedsole, Menton, Bedford, Foshee, Dial, Langford, Smith (B), Dixon, Horn, deGraffenried, Cabaniss, Denton, Goodwin, Smith (J), Hand, Hale, and Bailey:

S. 129. To create and establish the "Alabama Convention and Tourist Facilities Act"; to authorize the legislature to appropriate certain sums from gross receipts and other eligible tax revenues (based on a prescribed formula after a hearing process by the Director of Finance and information determined by the Director of Finance), to the cities and counties and their entities or authorities building eligible facilities to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the state Treasurer, and the cities and counties; to authorize the Director of Finance to enter into certain agreements and to authorize payments, based on legislative appropriations and to establish the "Convention and Tourist Facilities Fund".

Committee on State Development  
and Tourism.

By Senators Bennett and Bedford:

S. 130. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

Committee on Governmental Affairs.

By Senators Bennett, Dial, Horn, Amari, Cabaniss, Figures, Campbell, Goodwin, Bailey, and Hand:

S. 131. To amend Section 16-10-1, Code of Alabama 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Committee on Education.

By Senators Bennett and Bedford:

S. 132. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to establish a fund out of a portion of the interest on said investments for the use of said officials, and to specify certain uses and restrictions on the use of said fund.

Committee on Governmental Affairs.

By Senator Hilliard:

S. 133. To define, specify principles of liability and defenses for, and prescribe the punishment for the crimes of: criminal solicitation to commit a controlled substance crime, attempt to commit a controlled substance crime, and criminal conspiracy to commit a controlled substance crime; to

provide that criminal solicitation, attempt, and criminal conspiracy to commit a controlled substance crime are included offenses in any controlled substance crime that is charged; to specify the conduct to which this act applies; to repeal any conflicting laws; to provide for severability; and to provide an effective date.

Committee on Judiciary.

By Senator deGraffenried:

S. 134. To provide for a revision of the guardianship laws of Alabama by providing: general provisions, definitions and jurisdiction of court; protection of persons under disability and their property; protection of property of persons under disability and minors; to repeal Sections 26-2-1; 26-2-20 through 26-2-25, 26-2-40 through 26-2-42, 26-2-49, 26-3-2, 26-3-6, 26-4-1 through 26-4-155, 26-5-17, 26-5-37, 26-6-1 through 26-6-6, and 26-7-1 through 26-7-5 of the Code of Alabama 1975, as amended; and to amend Sections 26-2-2, 26-2-26, 26-2-43, 26-2-45, 26-2-47, 26-2-48, 26-2-50 through 26-2-55, 26-3-1, 26-3-3 through 26-3-5, 26-3-7, 26-3-8, 26-3-10 through 26-3-14, 26-5-1, 26-5-2, 26-5-4, 26-5-5, 26-5-7 through 26-5-10, 26-5-12 through 26-5-16, 26-5-18, 26-5-30 through 26-5-36, 26-5-38, 26-5-39, 26-5-50 through 26-5-52, 26-8-1, 26-8-20 through 26-8-24, 26-8-40 through 26-8-46, 26-8-48 through 26-8-52, and 26-9-2 Code of Alabama, 1975.

Committee on Judiciary.

By Senator deGraffenried:

S. 135. To provide for the confidentiality of records, information or writings obtained or kept by the board in connection with the Board of Public Accountancy's Practice Review Program, or obtained or kept by the board of public accountancy pursuant to a disciplinary investigation.

Committee on Judiciary.

By Senator deGraffenried:

S. 136. To amend Section 22-6-7, Code of Alabama 1975, which authorizes the Medicaid Agency to contract with fiscal intermediaries for the purpose of receiving, processing and paying claims under the medicaid program, so as to provide further for said contracts.

Committee on Banking and Insurance.

By Senator deGraffenried:

S. 137. To further amend Sections 40-6-3 and 40-6-4, Code of Alabama 1975, as amended, so as to provide a surviving spouse benefit.

Committee on Finance and Taxation.

By Senators deGraffenried and Dial:

S. 138. To clarify and extend the authority of city and county boards of education to manage the public schools over which they have legal responsibility.

Committee on Education.

By Senators deGraffenried, Preuitt, Rice, Foshee, Dial, Menton, Holmes, Bailey, Campbell, Sanders, Barron, Bedford, Bedsole, Corbett, Drinkard,

Covington, Dixon, Hale, Denton, Amari, Bennett, Parsons, Hand, and Smith (J):

S. 139. To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

Committee on Banking and Insurance.

By Senator Manley:

S. 140. To make the illegal possession of food stamps a criminal offense, to define the degrees of such offense; to prescribe punishment; and to provide that any person convicted of such crime who is licensed under the Alcoholic Beverage Licensing Code shall have his license revoked in addition to criminal penalties.

Committee on Judiciary.

By Senators Manley and Langford:

S. 141. To provide a law on deeds in lieu of foreclosure of real estate and provide definitions; set forth the effect of the transfer of the mortgagor's equity of redemption as to the rights and interest of the mortgagor; the rights and interest of the mortgagee; and the rights and interest of any person other than the mortgagor and mortgagee in the mortgaged property.

Committee on Judiciary.

By Senators Manley and Bedford:

S. 142. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1988. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

Committee on Judiciary.

By Senator Manley:

S. 143. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. To apply only to mortgages,

defined herein, executed on or after the effective date of this Act which is January 1, 1988.

Committee on Judiciary.

By Senators Manley, Dial, and Rice:

S. 144. To amend Section 40-17-31 (a) and Section 40-17-171, Code of Alabama 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and Department of Youth Services School District shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171, Code of Alabama 1975.

Committee on Education.

By Senators Manley, Cabaniss, Hand, Amari, and Bedsole:

S. 145. To amend Section 16-1-1, Code of Alabama 1975, which provides for the definition of fiscal year for educational purposes, so as to change the dates of said fiscal year; to amend Section 16-13-145, which provides for the authority of local boards of education to borrow funds against revenues of the current year, so as to provide further for said authority; to change the fiscal year of the Alabama Institute for Deaf and Blind and the Youth Services Department District; to authorize the Governor to devise a plan to implement the provisions of this act; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama.

Committee on Education.

By Senator Manley:

S. 146. Relating to the liability of physicians and osteopaths serving on hospital committees; to state the legislative intent; to provide definitions for the terms hospital, physician, health maintenance organization, professional society, hospital medical staff, and committee; to provide that any physician, osteopath or other health care provider serving on any committee of a hospital medical staff, health maintenance organization or professional society and any consultant, attorney, auxiliary personnel or employee of such committee shall not be liable to any person for any damages arising from any claim whatsoever related to or arising out of any action, investigation, report or recommendations made or taken by such committee when such action, investigation, report or recommendation was taken or made by him within the scope of his function as a member of the committee without malice and in good faith in the reasonable belief that such action, investigation, report or recommendation was warranted by the facts known or reasonably established; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Health.

By Senators Goodwin and Hilliard:

S. 147. To provide for the "Alabama Safety Belt Use Act of 1987"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for

violation of the provisions of the act; and to provide for a phased-in implementation.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Goodwin and Foshee:

S. 148. To propose an amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district; to exempt the municipality or county from the provisions of Section 94 of the Constitution with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes; to ratify and approve legislation adopted in furtherance of the powers hereby conferred; and to provide for the adoption hereof.

Committee on State Development  
and Tourism.

The above Bill was read a first time at length as required by the Constitution.

By Senators Goodwin and Foshee:

S. 149. To provide for the redevelopment and revitalization of municipalities and counties in this state and funding the costs thereof through tax increment financing; to authorize the creation of tax increment districts and the adoption of project plans with respect thereto and establish the procedures and requirements therefor; to establish procedures for determining the tax increment and the tax increment base; to permit the amendment of project plans; to provide for allocation of tax increments for such districts to the municipality or county that created the district and for the expiration of such allocations; to provide for the termination of such tax increment districts; to prescribe sources for paying project costs within such districts; to authorize indebtedness to be incurred for such costs, payable from such tax increments, and which may or may not be additionally secured by the full faith and credit of the issuer and other liens or covenants; to permit pay-as-you-go funding of projects; to permit overlapping districts; to provide for calculating the equalized assessment of taxable property within such districts and to permit withholding of tax increments to satisfy prior binding commitments.

Committee on State Development  
and Tourism.

By Senators Goodwin and Foshee:

S. 150. To exempt from all state, county or local ad valorem taxes all property owned and used by the Selma-Dallas County Historic Preservation Society.

Committee on Finance and Taxation.

By Senators Goodwin and Foshee:

S. 151. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

Committee on Governmental Affairs.

By Senator Dixon:

S. 152. To amend Section 36-27-16 of the Code of Alabama 1975, so as to provide for retirement of an employee covered under the state employees' retirement system upon the attainment of 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

Committee on Finance and Taxation.

By Senators Dixon, Bedsole, Cabaniss, Drinkard, and Bedford:

S. 153. To amend §34-24-367 Code of Alabama 1975, to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds in writing that the order of the Commission temporarily suspending the license was issued without statutory authority was arbitrary or capricious, constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

Committee on Governmental Affairs.

By Senator Dixon:

S. 154. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a

child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and to provide an effective date.

Committee on Judiciary.

By Senators Dixon, Cabaniss, Drinkard, Horn, Ellis, Dial, Campbell, Preuitt, Bailey, Covington, Bennett, Hand, Manley, Parsons, Holmes, and Bedsole:

S. 155. To amend Section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

Committee on Governmental Affairs.

By Senators Dixon, Cabaniss, Bedford, and Ellis:

S. 156. Relating to colleges and universities; providing for certain supplemental appropriations from the special educational trust fund as incentives for public senior colleges and universities to enhance the quality of higher education and prescribing certain criteria that must be satisfied for such institutions to qualify for such supplemental appropriations.

Committee on Finance and Taxation.

By Senators Dixon, Cabaniss, and Drinkard:

S. 157. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because that person is indigent.

Committee on Health.

By Senator Dixon:

S. 158. To provide for the establishment and operation of an Alabama Peace Officers' Hall of Fame Board, and to prescribe its powers and duties.

Committee on Governmental Affairs.

By Senator Dixon:

S. 159. To amend Section 13A-7-23.1 of the Code of Alabama, 1975 relating to criminal offenses involving desecration of tombs and gravestones, so as to provide further for such offenses.

Committee on Judiciary.

By Senators Dixon, Cabaniss, and Drinkard:

S. 160. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for

the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Health.

By Senators Dixon, Hand, and Bedsole:

S. 161. To amend Section 32-5A-191 of the Code of Alabama 1975, which relates to the offense of driving under the influence of alcohol or controlled substances (DUI) and the penalties therefor, so as to require all persons convicted of violating said Section 32-5A-191 or a municipal ordinance prohibiting operation or actual physical control of a vehicle while under the influence of alcohol or controlled substances, to attend and complete a DUI court referral program certified or approved by the State Administrative Office of Courts; and to provide that completion of such program shall be in addition to the punishments and sanctions now provided by Section 32-5A-191 of the Code of Alabama 1975.

Committee on Judiciary.

By Senator Dixon:

S. 162. To further provide for the enforcement of the controlled substances laws in the dental profession and related occupations; to further provide for the investigative powers of the board of dental examiners relating to drug or controlled substances violations; to amend Section 34-9-43, Code of Alabama 1975, as amended, relating to the general powers and duties, so as to provide that the board's investigators shall have the powers of peace officers and arrest relative to the enforcement of the drug and controlled substances laws; to further amend Sections 20-2-90 and 20-2-91, Code of Alabama 1975, as amended, relating to the enforcement of such laws and the inspections of prescriptions, orders, and records therefor, so as to authorize



the investigators of the board of dental examiners to execute such powers to effectively investigate drug or controlled substances violations.

Committee on Governmental Affairs.

By Senator Dixon:

S. 163. To amend Section 36-26-35 of the Code of Alabama 1975, relating to annual leave for certain state employees, so as to provide for the accumulation of, accrual of, use of and payment for certain amounts of sick leave for certain state employees.

Committee on Finance and Taxation.

By Senator Dixon:

S. 164. To amend Sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to benefits under the teachers' and employees' retirement systems, so as to provide further for certain benefits under such systems.

Committee on Finance and Taxation.

By Senators Langford and Dixon:

S. 165. To provide for a certain cost-of-living increase to all surviving beneficiaries of members of the employees' retirement system of Alabama who became eligible for such benefits prior to October 1, 1986; to provide that no survivor beneficiary of an employee under the employees' retirement system whose benefits are based primarily upon service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which such employee was employed elects to come under the provisions of this act; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; and to provide that such increase shall not apply to persons receiving benefits under the judicial retirement fund of Alabama.

Committee on Finance and Taxation.

By Senators Langford and Dixon:

S. 166. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the state employees' retirement system of Alabama; also to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state.

Committee on Finance and Taxation.

By Senators Langford and Dixon:

S. 167. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; also to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state.

Committee on Finance and Taxation.

By Senators Langford and Dixon:

S. 168. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to

provide that the granting of such increases shall be at the option of the county governing body of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Committee on Finance and Taxation.

By Senators Langford and Dixon:

S. 169. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of employers participating in the employees' retirement system of Alabama under the provisions of section 36-27-6, Code of Alabama 1975; to provide for the creation of the local employees' health insurance board; to prescribe the authority, powers, duties and terms of the members of said board; to prescribe the coverage which may be provided by said plan and the method of funding the cost of said coverage and to provide that said board upon certain findings, may develop a plan of self insurance.

Committee on Finance and Taxation.

By Senator Rice:

S. 170. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senators Corbett and Foshee:

S. 171. To amend Section 11-3-4.1, Code of Alabama 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for the compensation of certain chairmen.

Committee on Finance and Taxation.

By Senator Corbett:

S. 172. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senator Corbett:

S. 173. To establish certain regulations pertaining to public educational personnel records.

Committee on Education.

By Senator Corbett:

S. 174. To provide that a retired employee of the department of public safety may accept employment with another state, city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems.

Committee on Governmental Affairs.

By Senator Corbett:

S. 175. To amend Section 38-2-2 of the Code of Alabama 1975 relating to the state board of human resources so as to further provide for the election of two state employees to the board.

Committee on Governmental Affairs.

By Senators Bailey, Parsons, Corbett, and Smith (J):

S. 176. To amend Sections 25-8-4, 25-8-8, and 25-8-16, Code of Alabama 1975, so as to bring Alabama's Child Labor statutes into agreement with existing Federal regulations pertaining to working hours of children under age sixteen and establishes additional specific working hours for certain children enrolled in school and also provides for exemptions to established work hours.

Committee on Education.

By Senators Bailey, Smith (J), deGraffenried, and Covington:

S. 177. To amend section 12-15-61, Code of Alabama 1975, relating to certain facilities used for detention and shelter care of children so as to provide further for such detention and shelter care to provide for subsidy by the state of certain costs thereof.

Committee on Finance and Taxation.

By Senators Bailey and Drinkard:

S. 178. To amend Sections 16-25-11 and 36-27-11, Code of Alabama 1975, relating to the teachers' retirement system and the employees' retirement system, respectively, so as to provide further for the number of years of contributing membership service a member of such retirement systems shall complete before being allowed to restore previous creditable service with either such retirement system.

Committee on Governmental Affairs.

By Senator Bailey:

S. 179. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the boards of education.

Committee on Education.

By Senators Bailey, Drinkard, Foshee, Rice, Menton, Preuit, Dial, Smith (J), Holmes, Dixon, Cabaniss, Hand, Denton, Parsons, Hale, Covington, and Amari:

S. 180. To provide that no person shall perform an abortion on an unemancipated minor without parental involvement of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

Committee on Judiciary.

By Senator Covington:

S. 181. To further amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to alter certain observances.

Committee on Governmental Affairs.

By Senator Covington:

S. 182. To amend §13A-6-3 of the Code of Alabama 1975, to provide that manslaughter is a Class B felony.

Committee on Judiciary.

By Senators Covington, Holmes, Campbell, Foshee, Bedsole, Smith (B), Goodwin, Denton, Rice, Preuitt, Menton, Bailey, Dixon, Cabaniss, Manley, Hale, Drinkard, Hand, Dial, Barron, and Ellis:

S. 183. To amend Section 6-5-332 of the Code of Alabama 1975, relating to liability for civil damages as the result of rendering emergency care to certain injured persons, so as to include immunity to certain physicians and hospitals, including the medical and nursing staff, rendering outpatient emergency medical care to certain other persons.

Committee on Judiciary.

By Senator Foshee:

S. 184. To amend Section 41-9-341, Code of Alabama 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the commission.

Committee on Governmental Affairs.

By Senator Foshee:

S. 185. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting or discharging a firearm within a certain distance of public roads, highways, or railroads, so as to remove certain language regarding hunting and obtaining permission of adjacent landowners, to prohibit discharging a firearm in certain areas, to provide certain exceptions, and to alter criminal penalties.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Foshee, Covington, Goodwin, and Bishop:

S. 186. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this act.

Committee on Banking and Insurance.

By Senator Foshee:

S. 187. Relating to civil liability for selling or furnishing alcoholic beverages; to provide liability for selling or furnishing alcoholic beverages directly to a minor or directly to a person who is visibly intoxicated or directly to a person in sufficient quantity to cause intoxication, without

regard to negligence; to provide and limit liability for injuries to third persons proximately caused by intoxication against the vendor or the person intoxicated; to provide the award of punitive or exemplary damages against only the person intoxicated or the vendor, to establish the burden of proof by the overwhelming weight of clear and convincing evidence and to limit the award of punitive or exemplary damages against the vendor to willful or intentional conduct by the vendor; to limit liability for sales to minors to actual or constructive knowledge of minority; to exempt from liability persons who sold or furnished alcohol to a minor relying on certain false, fictitious, altered or forged identification; to exempt a vendor who offers exit transportation from liability to injured third parties; to define terms, including vendor, intoxication and clear and convincing evidence; to provide an exclusive remedy; to repeal Code of Alabama 1975, §§6-5-70 and 6-5-71; and all other laws or parts of law in conflict or inconsistent herewith.

Committee on Judiciary.

By Senators Foshee, Bedford, Bedsole, Goodwin, deGraffenried, Drinkard, Menton, Corbett, Bishop, Hand, Rice, Horn, Bennett, Cabaniss, Denton, Hale, Campbell, Langford, Figures, Smith (B), Sanders, Hilliard, Dixon, Barron, Preuit, and Ellis:

S. 188. To amend Section 8-17-82, Code of Alabama 1975, which relates to the labeling requirements for certain containers of certain petroleum products so as to provide further for the labeling of containers and pumps from which certain petroleum products are sold or dispensed.

Committee on Natural Resources.

By Senators Foshee, Bedford, Goodwin, Drinkard, Menton, Corbett, Bishop, Hand, Rice, Horn, Bennett, Cabaniss, Denton, Hale, Campbell, Langford, Figures, Smith (B), Barron, Sanders, Hilliard, Dixon, Preuit, and Ellis:

S. 189. To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol.

Committee on Natural Resources.

By Senator Hand:

S. 190. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Senator Hand:

S. 191. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to exempt certain trucks and trailers from the regulatory provisions of the "Alabama Motor Carrier Act."

Committee on Commerce,  
Transportation, and Utilities.

By Senators Hand, Manley, Dial, Cabaniss, Dixon, and Bedsole:

S. 192. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings, purposes for exceptions, and to increase the penalties for violations.

Committee on Education.

By Senator Hand:

S. 193. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Committee on Governmental Affairs.

By Senators Hand, Dixon, Foshee, Cabaniss, Dial, Bedsole, Manley, and Barron:

S. 194. Relating to the regulation of the production of oil and gas in this State; to amend Section 9-17-6, Code of Alabama 1975, to authorize the Board to regulate enhanced recovery methods, including Class II injection wells and to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, to authorize the Board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

Committee on Natural Resources.

By Senators Hand, Dial, Cabaniss, Dixon, and Bedsole:

S. 195. To provide that no public employee or public employee organization shall participate in a strike against a public employer and to provide penalties for violation.

Committee on Business and Labor Relations.

By Senators Hand, Dial, Cabaniss, Dixon, and Bedsole:

S. 196. To amend Section 16-24-5, Code of Alabama 1975, to provide that any teacher on continuing service status may be transferred by being given written notice of such intention to transfer by the employing board.

Committee on Education.

By Senator Hand:

S. 197. To prohibit public and private motor vehicle carriers from transporting hazardous material through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide certain misdemeanor and felony penalties for certain violations.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Bedsole, Hand, and Manley:

S. 198. To amend Section 16-4-15 of the Code of Alabama 1975, to permit the state superintendent of education to delay the taking of a school census for a period of 10 years.

Committee on Education.

By Senator Bedsole:

S. 199. To amend Section 40-21-58, Code of Alabama 1975, to change the payment date from September 25 to August 25 of the license or privilege tax levied upon each person engaged in the telephone business.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Bedsole and Bailey:

S. 200. To amend section 44-1-76, Code of Alabama 1975, creating the youth services department district board of education, by establishing the method by which the board of education is appointed and by establishing the powers and duties of said board of education and the superintendent of education.

Committee on Education.

By Senators Bedsole, Denton, Hand, and Manley:

S. 201. Proposing an Amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this Amendment.

Committee on Agriculture,  
Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Senators Bedsole, Hand, Dial, and Amari:

S. 202. To permit local boards of education and the Alabama Institute for Deaf and Blind to use a part of their kindergarten teacher unit funds under certain conditions to employ teacher aides to assist with the kindergarten instructional program based upon criteria established by the state superintendent of education and with his prior approval.

Committee on Education.

By Senator Bedsole:

S. 203. To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of felony theft laws of the State of Alabama wherein timber or lumber are the stolen items.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Bedsole, Horn, and Langford:

S. 204. To amend Section 22-20-3 of the Code of Alabama 1975, so as to further provide that all susceptible infants be tested for sickle cell anemia, sickle cell trait or abnormal hemoglobin.

Committee on Health.

By Senator Bedsole:

S. 205. To amend Section 9-11-54, Code of Alabama 1975, relating to special fishing licenses for totally disabled persons, so as to provide for special hunting or special fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be valid on a continuous basis during disability; to provide that holders may be required to obtain recertification of disability; to provide for the voiding and confiscation of licenses of holders failing to obtain or furnish said recertification; to increase the issuing fee to \$1.00; to provide that the issuing fee shall be paid into the county treasury under certain circumstances; to limit the availability of these licenses to Alabama residents as provided for herein; and to provide for a certain effective date and to specify the date on or after which these licenses shall be valid.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Menton, Foshee, Denton, Holmes, and Goodwin:

S. 206. To state the legislative intent; to amend §34-24-70; to require that the Board of Medical Examiners shall only approve certain off-shore medical schools if it finds that the medical education that is provided is substantially equivalent to that provided by medical schools in the United States and the District of Columbia; to authorize the Board of Medical Examiners to reject or not accept a diploma from any college of medicine which is not approved by the Board and to deny issuance of a certificate of qualification for licensure to practice medicine in Alabama to any individual holding such a diploma; to empower the Board to adopt, pursuant to the Alabama Administrative Procedure Act, all necessary rules, regulations, procedures, criteria, qualifications and guidelines as may be necessary to give effect to the provisions of this Act; to authorize the Board to prescribe a reasonable fee to cover cost and expenses of the evaluation of a college of medicine and require the payment of such fee to the Board; to establish the procedures required of such colleges to secure the required approval and to prescribe the interval for which such approval is granted and the interval at which such college which is denied approval may reapply for such approval; to establish that in any action for judicial review of a Board determination to approve or disapprove graduates of a college of medicine or based upon the exercise of authority granted by this Act, the reviewing court shall be bound by the determination of the Board for evaluating the quality of the medical education of the institution in question and shall uphold the determination of the Board unless the court finds the same to be unsupported by any facts or arbitrary or capricious; to provide that effective 180 days after the effective date of this act only applicants holding a degree from a college of medicine approved by the Board shall be issued a certificate of qualification; to provide that any portions of this act which are declared unconstitutional or void by any court of competent jurisdiction does not affect those parts remaining; to provide for repeal of all laws or parts of laws which conflict with this Act; to provide that this Act shall become



effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Committee on Education.

By Senators Menton, Foshee, Denton, Holmes, and Goodwin:

S. 207. To amend §34-24-75 by deleting the provision permitting the issuance of a certificate of qualification for license to practice medicine to a commissioned officer of the medical corps of the army, navy, the air force or the public health service of the United States.

Committee on Health.

By Senator Menton:

S. 208. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

Committee on Finance and Taxation.

By Senators Menton, Bedsole, Dixon, and Hand:

S. 209. To amend §13A-6-21 and §13A-6-22, Code of Alabama 1975, to provide that an assault with intent to prevent peace officers from performing a lawful duty that causes physical injury to any person shall be a Class C felony.

Committee on Judiciary.

By Senators Menton, Foshee, Denton, Holmes, and Goodwin:

S. 210. To amend §34-24-360(15), Code of Alabama 1975, to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Health.

### NOTICE IN WRITING

Senator Preuitt offered the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Delete the present Rule 76 in its entirety and substitute in lieu thereof the following:

"RULE 76. No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar. Further provided that Rule 36, relative to the provision that one Senator may object to suspension of the rules, shall not be applicable to resolutions pertaining to budget isolation and said resolution may be considered at the time of its introduction, notwithstanding

the provision of Rule 55. Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Secretary of the Senate."

Which was read and ordered spread upon the Journal.

### **RECESS**

At 2:30 P.M., on motion of Senator Manley, and in accordance with Motion heretofore adopted, the Senate took a recess until 6:15 P.M.

### **JOINT SESSION**

At 6:15 P.M., in accordance with the provisions of H. J. R. 3 and Motion heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable Guy Hunt.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Guy Hunt was escorted to the chair and delivered his address to the Legislature of Alabama. (See House Journal for the Message of the Governor.)

### **ADJOURNMENT**

The purpose of the Joint Session having been accomplished, and in accordance with Motion heretofore adopted, at 6:50 P.M., the Senate adjourned until Thursday, April 23, 1987, at 10 o'clock A.M.

## **SECOND LEGISLATIVE DAY**

**THURSDAY, APRIL 23, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Bill Hendricks, Director of Christian Education, St. James United Methodist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Cheryl McWhorter, Houston Hills Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Manley    |
| Amari     | Corbett       | Goodwin  | Menton    |
| Bailey    | Covington     | Hale     | Parsons   |
| Barron    | deGraffenried | Hand     | Preuitt   |
| Bedford   | Denton        | Hilliard | Rice      |
| Bedsole   | Dial          | Holmes   | Sanders   |
| Bennett   | Ellis         | Horn     | Smith (B) |
| Bishop    | Figures       | Langford | Smith (J) |
| Cabaniss  |               |          |           |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Dixon and Drinkard for today.

**NOTICE IN WRITING**

Senator Holmes offered the following Notice in Writing, to-wit:

**NOTICE IN WRITING**

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules by deleting Rule 49 and inserting in lieu thereof the following:

**RULE 49.** There shall be eighteen (18) standing committees on the following subjects:

(1) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Banking and Insurance shall consist of eleven (11) members.

(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 9); motions for placing bills on the Consent Calendar (Rule 14); motions or resolutions for a Special Order Consent Calendar (Rule 14 (7)); motions or resolutions for a Special Order (Rule 9, 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 21); executive nominations and appointments (Rule 33); propositions to suspend, modify or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55). Also, the committee on rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 18 & 20). The Committee on Rules shall consist of eleven (11) members.

(3) Health, to which committee shall be referred all bills and other matters concerning the health of the people of Alabama. The Committee on Health shall consider bills and other matters relating to medical care, hospitals, and other health care facilities, the mental health program, and mental institutions, and other health care programs in general. The Committee on Health shall consist of nine (9) members.

(4) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rules 54 and 75(2)), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rules 54 and 75(2). The Committee shall consist of twenty-two (22) members.

The Finance and Taxation Committee shall be divided into two (2) thirteen (13) member subcommittees. The Chairperson and Deputy Chairperson of the Finance and Taxation Committee shall serve as voting members

of both subcommittees. The Chairperson of the Finance and Taxation Committee, or, in the event of his or her absence, the Deputy Chairperson shall preside at meetings of both subcommittees. The President of the Senate shall also appoint a Vice Chairperson of each subcommittee. One Subcommittee shall be referred to as the Finance and Taxation Subcommittee on Education and the other Subcommittee shall be referred to as the Finance and Taxation Subcommittee on General Funding. In addition to each subcommittee Chairperson being a voting member of his or her subcommittee, he or she shall also be a voting member of the other subcommittee. The two respective subcommittees shall consider the two basic appropriations as separate and distinct entities. The chairperson, in his or her complete discretion, shall refer all other bills assigned to the Finance and Taxation Committee to either of the two subcommittees. If either of the two subcommittees vote to give a favorable report to its respective bills, then the bill shall be reported out favorably by the committee to receive its second reading.

(5) Economic Affairs, to which committee shall be referred all bills pertaining to Alabama's economy. There shall be two (2) Subcommittees of the Committee on Economic Affairs: Consumer Affairs and International and Domestic Trade, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Consumer Affairs shall deal with all bills that affect the state's consumer involvement in the purchase or use of consumer goods and services. The Subcommittee on International and Domestic Trade shall deal with bills affecting international and domestic trade. The Committee on Economic Affairs shall consist of eleven (11) members.

(6) Judiciary, to which committee shall be referred all bills and other matters concerning: the judiciary, judicial proceedings, law enforcement and penal and correctional institutions and programs. The Committee on Judiciary shall also be referred all bills, resolutions and other matters concerning proposed amendments to the Constitution of Alabama, as well as bills proposing a new Alabama Constitution and resolutions or bills calling for the convening of a Constitutional Convention for the purpose of rewriting the Alabama Constitution. The Committee shall consist of twelve (12) members.

(7) Governmental Affairs, to which committee shall be referred all bills, resolutions, and other matters concerning: elections, the organization and operation of State government, including matters relating to the organization, reorganization, establishment, or abolition of any department, board, commission, or other agency of State government, and matters pertaining to the merit system, or otherwise related to employment in the State Civil Service, and the organization of and government of any incorporated municipalities in the State of Alabama and all other bills and matters relating to counties in Alabama. There shall be two (2) Subcommittees of the Committee on Governmental Affairs: Military Affairs and Student Affairs, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Military Affairs shall deal with all bills relating to military affairs and the National Guard. The Subcommittee on Student Affairs shall deal with all bills relating to the affairs and activities of youth, including student grants, tuition assistance, and student loans. The committee shall consist of fifteen (15) members.

(8) Natural Resources, to which committee shall be referred all bills dealing with the protection, preservation and utilization of Alabama's natural

resources or other appropriate matters. There shall be three (3) Subcommittees of the Committee on Natural Resources: Mining and Reclamation; Oil and Gas; and Waterways, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Mining and Reclamation shall deal with bills regulating the mining and reclamation of any minerals located in Alabama. The Subcommittee on Oil and Gas shall deal with bills pertaining to the exploration, capture and utilization of oil and natural gas that is located in Alabama. The Subcommittee on Waterways shall deal with all bills regulating the use of Alabama's navigable waterways, with the exception of coastal waters conservation. The Committee on Natural Resources shall consist of seven (7) members.

(9) Agriculture, Conservation and Forestry, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the state relating to forestry, fish and game, soil conservation and coastal waters conservation. There shall be two (2) Subcommittees of the Committee on Agriculture, Conservation, and Forestry: Coastal Waters Conservation; and Forestry, Fish and Game, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Coastal Waters Conservation shall deal with bills pertaining exclusively to coastal waters conservation, such as the regulation of commercial and game fishing in Alabama's coastal waters. The Subcommittee on Forestry, Fish and Game shall deal with bills relating to forestry, fish and game. The Committee shall consist of thirteen (13) members.

(10) Public Welfare, to which committee shall be referred all bills that affect the welfare of the people of the State of Alabama, including the operation of all programs managed by the Department of Human Resources, and matters pertaining to senior citizens and aging. There shall be one (1) Subcommittee of the Committee on Public Welfare, namely the Subcommittee on Aging, which shall deal with all bills pertaining to senior citizens and aging. The Subcommittee on Aging shall consist of a Chairperson and two (2) other members. The Committee on Public Welfare shall consist of five (5) members.

(11) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of eleven (11) members.

(12) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including Unemployment Compensation, Workmen's Compensation, Industrial Relations, and Small Business. The Committee on Business and Labor Relations shall consist of nine (9) members.

(13) Commerce, Transportation and Utilities, to which committee shall be referred all bills and other matters concerning commerce, motor vehicles, traffic regulation, highways, railways, airports and air transportation facilities, and all matters related to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the state; and bills relating to ports, harbors and docks. The Committee on Commerce, Transportation and Utilities shall consist of nine (9) members.

(14) State Development and Tourism, to which committee shall be referred all bills pertaining to industrial development, the Alabama Development Office, industrial bond programs and the expansion of existing industry. The committee shall also deal with all bills relating to tourism in

the State of Alabama, as well as all bills relating to parimutuel betting, gambling or games of chance as provided for in Rule 51. The Committee on State Development and Tourism shall consist of five (5) members.

(15) Small Business, to which committee shall be referred all bills and other matters pertaining to the preservation, fostering, and promotion of small business in the State of Alabama. The Committee on Small Business shall consist of seven (7) members.

(16) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 300,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of six (6) members.

(17) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of seven (7) members.

(18) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

Which was read and ordered spread upon the Journal.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 211. To provide for a certain cost-of-living increase to all surviving beneficiaries of members of the employees' retirement system of Alabama who became eligible for such benefits prior to October 1, 1986; to provide that no survivor beneficiary of an employee under the employees' retirement system whose benefits are based primarily upon service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which such employee was employed elects to come under the provisions of this act; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; and to provide that such increase shall not apply to persons receiving benefits under the judicial retirement fund of Alabama.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 212. To amend Code of Alabama 1975, §13A-6-20, to provide that the driver of a motor vehicle who recklessly causes serious physical injury

to another person while under the influence of alcohol and/or a controlled substance commits the crime of assault in the first degree.

Committee on Judiciary.

By Senator Smith (J):

S. 213. To amend §13(a)-6-2, Code of Alabama 1975, to provide that the driver of a motor vehicle who recklessly causes the death of another person while under the influence of alcohol and/or a controlled substance commits the crime of murder.

Committee on Judiciary.

### **MOTION TO READ AT LENGTH**

Senator Bedford moved that his following Bill, S. B. 214, be read at length, which motion was lost.

Senator Bedford then requested that the title of said Bill, S. B. 214, be read, pursuant to the Constitution, which request was granted.

### **INTRODUCTION OF BILLS RESUMED**

By Senator Bedford:

S. 214. To amend Section 16-13-99, Code of Alabama 1975, to eliminate therefrom the schedule of maximum fees to be paid a paying agent bank for the services performed and expenses incurred in acting as paying agent, and to authorize boards of education to compensate paying agent banks in amounts deemed reasonable by the board of education.

Committee on Banking and Insurance.

### **MOTION TO READ AT LENGTH**

Senator Bedford moved that his following Bill, S. B. 215, be read at length, which motion was lost.

Senator Bedford then requested that the title of said Bill, S. B. 215, be read, pursuant to the Constitution, which request was granted.

### **INTRODUCTION OF BILLS RESUMED**

By Senator Bedford:

S. 215. To provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten by the financial institution or by a syndicate which includes the financial institution or an affiliate of the financial institution.

Committee on Banking and Insurance.

### **ELECTION OF MEMBERS TO LEGISLATIVE COUNCIL**

The Senate proceeded to the election of Senate members to the Legislative Council.

Senator Smith (B) nominated Senators Covington, Dial, Foshee, and Hilliard.



REGULAR SESSION  
2nd Day

55

On motion of Senator Smith (B), Senator Covington was elected unanimously as a member of the Legislative Council.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:* —0

On motion of Senator Smith (B), Senator Dial was elected unanimously as a member of the Legislative Council.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:* —0

On motion of Senator Smith (B), Senator Foshee was elected unanimously as a member of the Legislative Council.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:* —0

On motion of Senator Smith (B), Senator Hilliard was elected unanimously as a member of the Legislative Council.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

**ELECTION OF MEMBERS TO THE BUILDING COMMISSION**

The Senate proceeded to the election of Senate members to the Building Commission.

Senator Smith (B) nominated Senators Barron, Bedford, Denton, and Menton.

On motion of Senator Smith (B), Senator Barron was elected unanimously as a member of the Building Commission.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

On motion of Senator Smith (B), Senator Bedford was elected unanimously as a member of the Building Commission.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

On motion of Senator Smith (B), Senator Denton was elected unanimously as a member of the Building Commission.

REGULAR SESSION  
2nd Day

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Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:* —0

On motion of Senator Smith (B), Senator Menton was elected unanimously as a member of the Building Commission.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:* —0

**ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE  
ON EXAMINERS OF PUBLIC ACCOUNTS**

The Senate proceeded to the election of Senate members to the Legislative Committee on Examiners of Public Accounts.

Senator Smith (B) nominated Senators Bedsole, Bennett, Covington, Denton, and Holmes.

On motion of Senator Smith (B), Senator Bedsole was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:* —0

**2nd Day**

On motion of Senator Smith (B), Senator Bennett was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

On motion of Senator Smith (B), Senator Covington was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

On motion of Senator Smith (B), Senator Denton was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

On motion of Senator Smith (B), Senator Holmes was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

REGULAR SESSION  
2nd Day

59

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Pruitt    |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

**ELECTION OF MEMBERS TO  
ALABAMA SUNSET REVIEW COMMITTEE**

The Senate proceeded to the election of Senate members to the Alabama Sunset Review Committee.

Senator Smith (B) nominated Senators Campbell, Corbett, and Menton.

On motion of Senator Smith (B), Senator Campbell was elected unanimously as a member of the Sunset Committee.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Pruitt    |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

On motion of Senator Smith (B), Senator Corbett was elected unanimously as a member of the Sunset Committee.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Pruitt    |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

*Nays:*

—0

On motion of Senator Smith (B), Senator Menton was elected unanimously as a member of the Sunset Committee.

Yeas 27; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Hand     | Preuitt   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dial          | Horn     | Smith (B) |
| Bennett   | Ellis         | Langford | Smith (J) |

—27

Nays:

—0

### RESOLUTION

Senators Bailey and Bedford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMENDING JACK BISHOP OF SLOUGH, BERKS, ENGLAND, FOR HIS LEADERSHIP IN THE ESTABLISHMENT OF AN INTERCHANGE PROGRAM BETWEEN THE DOTHAN, ALABAMA, AND SLOUGH ROTARY CLUBS.

WHEREAS, in highest commendation, the Alabama Legislature notes the establishment and continuing existence, since 1963, of an international relationship between the Rotary Clubs of Slough, Berks, England, and Dothan, Alabama; and

WHEREAS, from the “pairing” of these two clubs sprang an interchange of visits between Slough/Dothan Rotarians, originating with a 1964 journey to Dothan and other Alabama cities by Mr. Jack Bishop of Slough; and

WHEREAS, Mr. Bishop, whose visit to Dothan—the home of Slough’s matched club—was prompted by his concern with media reports of racial strife in Alabama, found that his personal and favorable observations greatly differed from those of the media; it was the result of this visit, however, through Mr. Bishop’s desire for fair play and “service above self,” that this interchange began and is now in its 23rd year; and

WHEREAS, following a 1965 address to Rotary District in Alabama, Mr. Bishop has visited our state almost annually and, in 1977, brought a group of 22 Slough Rotarians to Dothan, advancing the idea that club members interchange visits every two years on an alternate basis; and

WHEREAS, since their 1977 visit, Slough Rotary representatives have returned to Dothan in 1981 and 1985, while Dothan Rotary representatives have visited Slough in 1979 and 1983, with a 1987 interchange forthcoming; and

WHEREAS, not only have Slough and Dothan Rotarians greatly enjoyed the entertainment and fellowship attendant to their visits, but many heart-warming acts of concern, assistance and friendship have occurred through the years to cause this relationship to become even more of a special bond between nations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding

leadership in the establishment of the interchange program between the Rotary Clubs of Slough, Berks, England, and Dothan, Alabama, we hereby commend Slough Rotarian Jack Bishop, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO RECESS

At 12:05 P.M., Senator deGraffenried moved that the Senate take a recess until 1:20 this afternoon.

ADJOURNMENT

At 12:10 P.M., on motion of Senator Hilliard, the Senate adjourned until Tuesday, April 28, 1987, at 2 o'clock P.M.

Yeas 15; Nays 14.

Yeas:

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Figures  | Langford |
| Amari     | Corbett   | Goodwin  | Menton   |
| Bedford   | Covington | Hilliard | Parsons  |
| Bennett   | Denton    | Holmes   | Sanders  |

—15

Nays:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | deGraffenried | Hale    | Rice      |
| Barron    | Dial          | Hand    | Smith (B) |
| Bedsole   | Ellis         | Manley  | Smith (J) |
| Cabaniss  | Foshee        | Preuitt |           |

—14

**THIRD LEGISLATIVE DAY  
TUESDAY, APRIL 28, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Dale Chambliss, Associate Pastor, First Baptist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Joseph Milton Mulder, Jr., Elmore County High School, Eclectic, Alabama.

**ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

—34

**RECESS**

At 2:10 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the Call of the Chair.

The recess period having expired, at 5:15 P.M., the Senate was called to order by Lieutenant Governor Folsom.

A quorum of the Senate was present.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Joint Resolution, to-wit:

**S. R. 2. CHANGING THE ORDER OF BUSINESS IN THE SENATE.**

**RESOLVED BY THE SENATE,** That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the Third Legislative Day of the 1987 Regular Session of the Alabama Legislature:

1. MOTIONS AND RESOLUTIONS
2. REPORTS FROM STANDING COMMITTEES
3. CALL OF DISTRICTS



On motion of Senator Smith (J), the Resolution was adopted by the Senate.

### JOURNAL

Senator deGraffenried moved that the Senate dispense with the reading of the Journal of yesterday.

Senator Figures objected to dispensing by voice vote with the reading of the Journal at length, and called for the "Ayes and Nays."

Yeas 29; Nays 4.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Cabaniss      | Ellis   | Horn      |
| Amari     | Campbell      | Figures | Langford  |
| Bailey    | Covington     | Foshee  | Manley    |
| Barron    | deGraffenried | Goodwin | Menton    |
| Bedford   | Denton        | Hale    | Preuitt   |
| Bedsole   | Dial          | Hand    | Smith (B) |
| Bennett   | Dixon         | Holmes  | Smith (J) |
| Bishop    | Drinkard      |         |           |

—29

*Nays:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Hilliard | Parsons | Sanders |
| Corbett   |          |         |         |

—4

Therefore, upon adoption of Senator deGraffenried's motion, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### COMMITTEE REPORT

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

### RULING OF CHAIR

The President and Presiding Officer ruled that, since the order of business of Motions and Resolutions was not reached on the Second Legislative Day, the following Preuitt motion in writing would be accepted on the Third Legislative Day.

**MOTIONS IN WRITING**

Senator Preuitt offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Notice in Writing having been given on a preceding legislative day, motion is now made to amend the Senate Rules as follows:

Delete the present Rule 76 in its entirety and substitute in lieu thereof the following:

“RULE 76. No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar. Further provided that Rule 36, relative to the provision that one Senator may object to suspension of the rules, shall not be applicable to resolutions pertaining to budget isolation and said resolution may be considered at the time of its introduction, notwithstanding the provision of Rule 55. Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Secretary of the Senate.”

Which was read and referred to the Standing Committee on Rules.

Senator Holmes offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Notice in writing having been given on the preceding legislative day, motion is now made to amend the Senate Rules by deleting Rule 49 and inserting in lieu thereof the following:

**RULE 49.** There shall be eighteen (18) standing committees on the following subjects:

(1) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Banking and Insurance shall consist of eleven (11) members.

(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 9); motions for placing bills on the Consent Calendar (Rule 14); motions or resolutions for a Special Order Consent Calendar (Rule 14 (7)); motions or resolutions for a Special Order (Rule 9, 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 21); executive nominations and appointments (Rule 33); propositions to suspend, modify or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55). Also, the committee on rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 18 & 20). The Committee on Rules shall consist of eleven (11) members.

(3) Health, to which committee shall be referred all bills and other matters concerning the health of the people of Alabama. The Committee on Health shall consider bills and other matters relating to medical care, hospitals, and other health care facilities, the mental health program, and mental institutions, and other health care programs in general. The Committee on Health shall consist of nine (9) members.

(4) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rules 54 and 75(2)), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rules 54 and 75(2). The Committee shall consist of twenty-two (22) members.

The Finance and Taxation Committee shall be divided into two (2) thirteen (13) member subcommittees. The Chairperson and Deputy Chairperson of the Finance and Taxation Committee shall serve as voting members of both subcommittees. The Chairperson of the Finance and Taxation Committee, or, in the event of his or her absence, the Deputy Chairperson shall preside at meetings of both subcommittees. The President of the Senate shall also appoint a Vice Chairperson of each subcommittee. One Subcommittee shall be referred to as the Finance and Taxation Subcommittee on Education and the other Subcommittee shall be referred to as the Finance and Taxation Subcommittee on General Funding. In addition to each subcommittee Chairperson being a voting member of his or her subcommittee, he or she shall also be a voting member of the other subcommittee. The two respective subcommittees shall consider the two basic appropriations as separate and distinct entities. The chairperson, in his or her complete discretion, shall refer all other bills assigned to the Finance and Taxation Committee to either of the two subcommittees. If either of the two subcommittees vote to give a favorable report to its respective bills, then the bill shall be reported out favorably by the committee to receive its second reading.

(5) Economic Affairs, to which committee shall be referred all bills pertaining to Alabama's economy. There shall be two (2) Subcommittees of the Committee on Economic Affairs: Consumer Affairs and International and Domestic Trade, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Consumer Affairs shall deal with all bills that affect the state's consumer involvement in the purchase or use of consumer goods and services. The Subcommittee on International and Domestic Trade shall deal with bills affecting international and domestic trade. The Committee on Economic Affairs shall consist of eleven (11) members.

(6) Judiciary, to which committee shall be referred all bills and other matters concerning: the judiciary, judicial proceedings, law enforcement and penal and correctional institutions and programs. The Committee on Judiciary shall also be referred all bills, resolutions and other matters concerning proposed amendments to the Constitution of Alabama, as well as bills proposing a new Alabama Constitution and resolutions or bills calling for the convening of a Constitutional Convention for the purpose of rewriting

the Alabama Constitution. The Committee shall consist of twelve (12) members.

(7) Governmental Affairs, to which committee shall be referred all bills, resolutions, and other matters concerning: elections, the organization and operation of State government, including matters relating to the organization, reorganization, establishment, or abolition of any department, board, commission, or other agency of State government, and matters pertaining to the merit system, or otherwise related to employment in the State Civil Service, and the organization of and government of any incorporated municipalities in the State of Alabama and all other bills and matters relating to counties in Alabama. There shall be two (2) Subcommittees of the Committee on Governmental Affairs: Military Affairs and Student Affairs, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Military Affairs shall deal with all bills relating to military affairs and the National Guard. The Subcommittee on Student Affairs shall deal with all bills relating to the affairs and activities of youth, including student grants, tuition assistance, and student loans. The committee shall consist of fifteen (15) members.

(8) Natural Resources, to which committee shall be referred all bills dealing with the protection, preservation and utilization of Alabama's natural resources or other appropriate matters. There shall be three (3) Subcommittees of the Committee on Natural Resources: Mining and Reclamation; Oil and Gas; and Waterways, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Mining and Reclamation shall deal with bills regulating the mining and reclamation of any minerals located in Alabama. The Subcommittee on Oil and Gas shall deal with bills pertaining to the exploration, capture and utilization of oil and natural gas that is located in Alabama. The Subcommittee on Waterways shall deal with all bills regulating the use of Alabama's navigable waterways, with the exception of coastal waters conservation. The Committee on Natural Resources shall consist of seven (7) members.

(9) Agriculture, Conservation and Forestry, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the state relating to forestry, fish and game, soil conservation and coastal waters conservation. There shall be two (2) Subcommittees of the Committee on Agriculture, Conservation, and Forestry: Coastal Waters Conservation; and Forestry, Fish and Game, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Coastal Waters Conservation shall deal with bills pertaining exclusively to coastal waters conservation, such as the regulation of commercial and game fishing in Alabama's coastal waters. The Subcommittee on Forestry, Fish and Game shall deal with bills relating to forestry, fish and game. The Committee shall consist of thirteen (13) members.

(10) Public Welfare, to which committee shall be referred all bills that affect the welfare of the people of the State of Alabama, including the operation of all programs managed by the Department of Human Resources, and matters pertaining to senior citizens and aging. There shall be one (1) Subcommittee of the Committee on Public Welfare, namely the Subcommittee on Aging, which shall deal with all bills pertaining to senior citizens and aging. The Subcommittee on Aging shall consist of a Chairperson and two (2) other members. The Committee on Public Welfare shall consist of five (5) members.

(11) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of eleven (11) members.

(12) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including Unemployment Compensation, Workmen's Compensation, Industrial Relations, and Small Business. The Committee on Business and Labor Relations shall consist of nine (9) members.

(13) Commerce, Transportation and Utilities, to which committee shall be referred all bills and other matters concerning commerce, motor vehicles, traffic regulation, highways, railways, airports and air transportation facilities, and all matters related to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the state; and bills relating to ports, harbors and docks. The Committee on Commerce, Transportation and Utilities shall consist of nine (9) members.

(14) State Development and Tourism, to which committee shall be referred all bills pertaining to industrial development, the Alabama Development Office, industrial bond programs and the expansion of existing industry. The committee shall also deal with all bills relating to tourism in the State of Alabama, as well as all bills relating to parimutuel betting, gambling or games of chance as provided for in Rule 51. The Committee on State Development and Tourism shall consist of five (5) members.

(15) Small Business, to which committee shall be referred all bills and other matters pertaining to the preservation, fostering, and promotion of small business in the State of Alabama. The Committee on Small Business shall consist of seven (7) members.

(16) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 300,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of six (6) members.

(17) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of seven (7) members.

(18) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

Which was read and referred to the Standing Committee on Rules.

### RESOLUTIONS

Senator deGraffenried offered the following Senate Resolution, to-wit:

S. R. 3. COMMENDING BUTLER P. HINE OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED SERVICE AS AN ENVIRONMENTALIST WITH THE TUSCALOOSA COUNTY HEALTH DEPARTMENT.

Which was filed.

Senators Covington, deGraffenried, Foshee, Bailey, Amari, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.**

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the tragic and untimely death of R. Mac Irving of Ozark, Alabama, from injuries sustained in an automobile accident on April 27, 1987, and at the early age of just 45 years; and

WHEREAS, a native of Chickasha, Oklahoma, and a resident of Ozark for the past 15 years, Mac Irving was a graduate of Oklahoma State University with both the B.S. and Master's degrees and received his Ph.D. degree from Purdue University; and

WHEREAS, Dr. Irving, who was executive vice president of Frit Industries in Ozark, also was a prominent civic leader and leading proponent of public education; and

WHEREAS, he was serving at the time of his death as president of the Alabama Association of School Boards, and was a member and past chairman, for two terms, of the Ozark City Board of Education; he further served as chairman of the State Advisory Committee on Vocational Education and, by presidential appointment, was a member of the National Commission on Secondary Vocational Education; and

WHEREAS, Dr. Irving extended his activities to include membership and involvement in the affairs of the United Methodist Church, the Ozark Rotary Club, and numerous other civic and community organizations; and

WHEREAS, the death of R. Mac Irving has indeed left a deep void in the life of the community and in the hearts of all those who so greatly benefited from his outstanding leadership and a lifetime of service to others; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of R. Mac Irving of Ozark, Alabama, and extend heartfelt sympathy to his wife, Judy; his son, Kip, and his daughter, Carla; stepsons, Todd and Scott; and to other family members whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

**S. J. R. 5. DESIGNATING APRIL 9, ANNUALLY, AS "FORMER PRISONER OF WAR RECOGNITION DAY" IN THE STATE OF ALABAMA.**

WHEREAS, by joint resolution of The Congress, April 9, 1987, was designated and subsequently commemorated as "National Prisoner of War Recognition Day" in honor of all members of the armed forces of the United States who have been held as prisoners of war; and

WHEREAS, April 9, 1987, marked the 45th Anniversary of the fall of Bataan in the Philippines during World War II when some 20,000 Americans were captured; they were then marched to prisoner-of-war camps where they suffered and endured brutal and inhumane treatment in violation of international codes and customs for the treatment of prisoners of war; and

WHEREAS, the significance of that date, however, extends to include all Americans of all wars who have suffered, became disabled or made the supreme sacrifice in service to our nation; and

WHEREAS, it is the consensus of the Alabama Legislature that the sacrifice and sufferings of our former prisoners of war deserve perpetual honor and recognition by a grateful nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 9, 1988, and each April 9 thereafter as "Former Prisoner of War Recognition Day" in the State of Alabama, and would further urge that said day be annually observed throughout our state with appropriate ceremonies and activities.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Hale, Bennett, Amari, Bishop, deGraffenried, Figures, Dixon, Cabaniss, Menton, Goodwin, Manley, Hand, and Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. COMMENDING OLIVER HARRIS DELCHAMPS, JR., OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama is justly proud of Oliver Harris Delchamps, Jr., of Mobile, a native son of Alabama who serves as 1987 Chairman of the Board of the United States Chamber of Commerce, America's largest business federation comprised of some 180,000 member businesses nationwide; and

WHEREAS, Mr. Delchamps, a past Director of the Alabama State Chamber of Commerce, has previously served the national federation as a member and chairman of various committees, as treasurer, a director since 1977, and as vice chairman of the board in 1986; and

WHEREAS, a prominent Alabama business executive and civic leader, Mr. Delchamps is chairman of the executive committee of Delchamps, Inc., a Mobile-based regional grocery chain with 92 stores in Alabama, Louisiana, Mississippi and Florida, and with annual sales of some \$700 million; and

WHEREAS, he further has held directorates in numerous other business organizations as well as those related to community, charitable, religious and educational activities and affairs; and

WHEREAS, Oliver H. Delchamps, Jr., is indeed a man of extraordinary achievement and one who has devoted much of his time and talents to the good of his fellowman; and

WHEREAS, we further note, that in commendation of his many accomplishments and in gratitude for his contributions to the community, Mr. Delchamps has been named the recipient of numerous distinguished awards and honors, and has been included in Who's Who in America and the Alabama Academy of Honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Oliver Harris Delchamps, Jr., of Mobile, Alabama, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Manley, Rice, and Dial offered the following Senate Joint Resolution, to-wit:

**S. J. R. 7. COMMENDING YANN COWART OF AUBURN UNIVERSITY FOR DISTINGUISHED ACADEMIC AND ATHLETIC ACHIEVEMENT.**

WHEREAS, in a desire to recognize young Alabamians of extraordinary achievement, the Alabama Legislature notes the numerous and notable accomplishments of Yann Cowart of Gallion, Alabama, a four-year football letterman and architectural major at Auburn University; and

WHEREAS, a four-year starter for the Tigers, he began his collegiate football career as a walk-on from Marengo Academy; he was red-shirted in 1982, split starting time as center for the following two years, and played his last two years of eligibility as offensive guard; and

WHEREAS, following a serious knee injury and corrective surgery in December 1985, Yann Cowart displayed remarkable determination and strength of character throughout his recovery, and was back in Auburn's starting lineup for the Tigers' 1986 Fall season; and

WHEREAS, in addition to the grueling demands of football, Yann Cowart also has pursued a double major in architecture and building science, and will graduate after 24 straight quarters in a six-year co-op program that was carefully devised to enable him to achieve with excellence both his athletic and academic goals; and

WHEREAS, while at Auburn, this outstanding student-athlete has amassed such distinguished honors as the Los Angeles Times Walk-On All-American Team, induction into Omicron Delta Kappa National Leadership Honorary, All-Academic SEC for three years, and Who's Who Among Students in American Universities and Colleges; and

WHEREAS, he further has been honored with the Jefferson County Auburn Alumni Association's 1987 Bill Streit Award for Highest Academic Achievement and he is the 1987 recipient of the prestigious Cliff Hare Award given annually to the male athlete who, in addition to athletic and scholastic achievement, exhibits in great degree the qualities of leadership, integrity and courage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished athletic and academic achievement, we hereby commend Yann Cowart of Gallion, Alabama, and direct that a copy of this resolution of highest esteem



be presented to Mr. Cowart on the honorary occasion of "Yann Cowart Day" in Marengo County, Alabama, May 16, 1987.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

### NOTICE IN WRITING

Senator Parsons offered the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule 59 as follows:

RULE 59. (a) No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

(b) It is expressly provided that each meeting of each standing committee of the Senate shall be open to the public and notice of the meeting and the agenda shall be posted on the door of the meeting room before 5:00 p.m. on the day preceding the date of the meeting. No action shall be taken except on matters listed in such agenda. Any action taken on matters or bills not included in said notice and agenda shall be void and considered not acted on by any committee.

Which was read and ordered spread upon the Journal.

### RESOLUTIONS

Senators Dixon and Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. CONGRATULATING THE MONTGOMERY ACADEMY GIRLS VOLLEYBALL TEAM ON THEIR 1986 CLASS 1A STATE CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Coach Julie Gordon and The Montgomery Academy Girls Volleyball Team on their Class 1A State Championship for 1986; and

WHEREAS, under Coach Gordon and Assistant Coach Karen Sweatt, The Montgomery Academy Eagles soared to a fantastic 34-5 season record; and

WHEREAS, beating Houston Academy (15-0, 15-1, 15-7) to win the regional tournament, the Academy advanced to the State Play-offs where they won two-out-of-three in match-ups against Athens Bible, Brilliant, Kingston and Bayside; for the title, the Eagles met Donoho of Anniston for the third time, taking the last two games 15-10 and 15-8 to claim the Crown; and

WHEREAS, the 1986 Champion Eagles are seniors Chelese Beck, Kim Brookhyser, Trayte Gassenheimer, All-State Anne Sahlie and 1A MVP Jennifer Seebode; juniors Sarah Faulkner and Susan Taylor; sophomores Kat Coleman, June Garzon, Laurie Hughes, Sara Mann, Leigh Morris and Leslie Tucker; with Christie Gilder serving as scorekeeper; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate The Montgomery Academy coaches, staff and girls volleyball team on the 1986 Class 1A State Championship.

BE IT FURTHER RESOLVED, That copies of this resolution of highest praise be provided for appropriate presentation and display at The Montgomery Academy, Montgomery, Alabama.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 9. SPECIAL ORDER FOR CONSIDERING MOTIONS IN WRITING.**

RESOLVED BY THE SENATE That the following motions-in-writing in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the third legislative day of the 1987 Regular Session only:

1. Motion-in-Writing by Senator Preuitt relating to changing Senate Rules.
2. Motion-in-Writing by Senator Holmes relating to changing Senate Rules.

Senator Corbett offered the following substitute for the Resolution, S. R. 9, to-wit:

**SUBSTITUTE FOR S. R. 9**

**S. R. 9. SPECIAL ORDER FOR CONSIDERING MOTIONS IN WRITING.**

RESOLVED BY THE SENATE That the following motion-in-writing shall be the paramount and continuing order of business taking precedence over all other matters for the third legislative day of the 1987 Regular Session only:

1. Motion-in-Writing by Senator Holmes relating to changing Senate Rules.

On motion of Senator deGraffenried, said substitute was laid on the table.

Senator Corbett then offered the following substitute No. 2 for the Resolution, S. R. 9, to-wit:

**SUBSTITUTE NO. 2 FOR S. R. 9**

**S. R. 9. SPECIAL ORDER FOR CONSIDERING MOTIONS IN WRITING.**

RESOLVED BY THE SENATE That the following motions-in-writing in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the third legislative day of the 1987 Regular Session only:

1. Motion-in-Writing by Senator Holmes relating to changing Senate Rules.

2. Motion-in-Writing by Senator Preuitt relating to changing Senate Rules.

On motion of Senator Holmes, said substitute No. 2 was laid on the table.

Yeas 25; Nays 9.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Campbell      | Ellis  | Manley    |
| Amari     | Covington     | Foshee | Menton    |
| Bailey    | deGraffenried | Hale   | Preuitt   |
| Barron    | Denton        | Hand   | Rice      |
| Bedsole   | Dial          | Holmes | Smith (B) |
| Bishop    | Dixon         | Horn   | Smith (J) |
| Cabaniss  | Drinkard      |        |           |

—25

*Nays:*

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Corbett | Hilliard | Parsons |
| Bedford   | Figures | Langford | Sanders |
| Bennett   | Goodwin |          |         |

—9

And on motion of Senator deGraffenried, the Resolution, S. R. 9, was then adopted by the Senate.

**MOTION TO ADJOURN LOST**

At 7:15 P.M., Senator Corbett moved that the Senate adjourn until Thursday, April 30, 1987, at 10 o'clock A.M., which motion was lost.

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

Motion in Writing by Senator Preuitt relative to Senate Rule 76.

Without objection, Senator deGraffenried offered the following substitute Motion in Writing, to-wit:

**SUBSTITUTE FOR MOTION IN WRITING**

Notice in Writing having been given on a preceding legislative day, motion is now made to amend the Senate Rules as follows:

Delete the present Rule 76 in its entirety and substitute in lieu thereof the following:

“RULE 76. No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar. Further provided that Rule 36, relative to the provision that one Senator may object to suspension of the rules, shall not be applicable to resolutions pertaining to budget isolation and said resolution shall be considered at such time as the bill is called for third reading, notwithstanding the provision of Rule 55. Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Secretary of the Senate.”

Which was adopted.

Yeas 29; Nays 3.

Abstaining 1.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Figures | Langford  |     |
| Amari     | Covington     | Foshee  | Manley    |     |
| Bailey    | deGraffenried | Goodwin | Menton    |     |
| Barron    | Denton        | Hale    | Preuitt   |     |
| Bedsole   | Dial          | Hand    | Rice      |     |
| Bennett   | Dixon         | Holmes  | Smith (B) |     |
| Bishop    | Drinkard      | Horn    | Smith (J) |     |
| Cabaniss  | Ellis         |         |           | —29 |

*Nays:*

|           |         |         |          |    |
|-----------|---------|---------|----------|----|
| Senators: | Bedford | Corbett | Hilliard | —3 |
|-----------|---------|---------|----------|----|

*Abstaining:* Senator Parsons —1

And on motion of Senator deGraffenried, the Preuitt Motion in Writing, as thus amended by the deGraffenried Motion in Writing, was then adopted by the Senate.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

Motion in Writing by Senator Holmes relative to Senate Rule 49.

Senator Figures offered the following substitute Motion in Writing for the Holmes Motion in Writing, to-wit:

### SUBSTITUTE FOR MOTION IN WRITING

Notice in writing having been given on the preceding legislative day, motion is now made to amend the Senate Rules by deleting Rule 49 and inserting in lieu thereof the following:

**RULE 49.** There shall be eighteen (18) standing committees on the following subjects:

(1) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Banking and Insurance shall consist of eleven (11) members.

(2) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 9); motions for placing bills on the Consent Calendar (Rule

14); motions or resolutions for a Special Order Consent Calendar (Rule 14 (7)); motions or resolutions for a Special Order (Rule 9, 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 21); executive nominations and appointments (Rule 33); propositions to suspend, modify or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55). Also, the committee on rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 18 & 20). The Committee on Rules shall consist of eleven (11) members.

(3) Health, to which committee shall be referred all bills and other matters concerning the health of the people of Alabama. The Committee on Health shall consider bills and other matters relating to medical care, hospitals, and other health care facilities, the mental health program, and mental institutions, and other health care programs in general. The Committee on Health shall consist of nine (9) members.

(4) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations (except a bill of resolution carrying an appropriation which may be first referred to another committee as authorized by Rules 54 and 75(2)), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rules 54 and 75(2). The Committee shall consist of twenty-two (22) members.

The Finance and Taxation Committee shall be divided into two (2) thirteen (13) member subcommittees. The Chairperson and Deputy Chairperson of the Finance and Taxation Committee shall serve as voting members of both subcommittees. The Chairperson of the Finance and Taxation Committee, or, in the event of his or her absence, the Deputy Chairperson shall preside at meetings of both subcommittees. The President of the Senate shall also appoint a Vice Chairperson of each subcommittee. One Subcommittee shall be referred to as the Finance and Taxation Subcommittee on Education and the other Subcommittee shall be referred to as the Finance and Taxation Subcommittee on General Funding. In addition to each subcommittee Chairperson being a voting member of his or her subcommittee, he or she shall also be a voting member of the other subcommittee. The two respective subcommittees shall consider the two basic appropriations as separate and distinct entities. The chairperson, in his or her complete discretion, shall refer all other bills assigned to the Finance and Taxation Committee to either of the two subcommittees. If either of the two subcommittees vote to give a favorable report to its respective bills, then the bill shall be reported out favorably by the committee to receive its second reading.

(5) Economic Affairs, to which committee shall be referred all bills pertaining to Alabama's economy. There shall be two (2) Subcommittees of the Committee on Economic Affairs: Consumer Affairs and International and Domestic Trade, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Consumer Affairs shall deal with all bills that affect the state's consumer involvement in the purchase or use

of consumer goods and services. The Subcommittee on International and Domestic Trade shall deal with bills affecting international and domestic trade. The Committee on Economic Affairs shall consist of eleven (11) members.

(6) Judiciary, to which committee shall be referred all bills and other matters concerning: the judiciary, judicial proceedings, law enforcement and penal and correctional institutions and programs. The Committee on Judiciary shall also be referred all bills, resolutions and other matters concerning proposed amendments to the Constitution of Alabama, as well as bills proposing a new Alabama Constitution and resolutions or bills calling for the convening of a Constitutional Convention for the purpose of rewriting the Alabama Constitution. The Committee shall consist of twelve (12) members.

(7) Governmental Affairs, to which committee shall be referred all bills, resolutions, and other matters concerning: elections, the organization and operation of State government, including matters relating to the organization, reorganization, establishment, or abolition of any department, board, commission, or other agency of State government, and matters pertaining to the merit system, or otherwise related to employment in the State Civil Service, and the organization of and government of any incorporated municipalities in the State of Alabama and all other bills and matters relating to counties in Alabama. There shall be two (2) Subcommittees of the Committee on Governmental Affairs: Military Affairs and Student Affairs, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Military Affairs shall deal with all bills relating to military affairs and the National Guard. The Subcommittee on Student Affairs shall deal with all bills relating to the affairs and activities of youth, including student grants, tuition assistance, and student loans. The committee shall consist of fifteen (15) members.

(8) Natural Resources, to which committee shall be referred all bills dealing with the protection, preservation and utilization of Alabama's natural resources or other appropriate matters. There shall be three (3) Subcommittees of the Committee on Natural Resources: Mining and Reclamation; Oil and Gas; and Waterways, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Mining and Reclamation shall deal with bills regulating the mining and reclamation of any minerals located in Alabama. The Subcommittee on Oil and Gas shall deal with bills pertaining to the exploration, capture and utilization of oil and natural gas that is located in Alabama. The Subcommittee on Waterways shall deal with all bills regulating the use of Alabama's navigable waterways, with the exception of coastal waters conservation. The Committee on Natural Resources shall consist of seven (7) members.

(9) Agriculture, Conservation and Forestry, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the state relating to forestry, fish and game, soil conservation and coastal waters conservation. There shall be two (2) Subcommittees of the Committee on Agriculture, Conservation, and Forestry: Coastal Waters Conservation; and Forestry, Fish and Game, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Coastal Waters Conservation shall deal with bills pertaining exclusively to coastal waters conservation, such as the regulation of commercial and game fishing in Alabama's coastal waters. The Subcommittee on Forestry, Fish and Game shall deal with bills relating to forestry, fish and game. The Committee shall consist of thirteen (13) members.

(10) Public Welfare, to which committee shall be referred all bills that affect the welfare of the people of the State of Alabama, including the operation of all programs managed by the Department of Human Resources, and matters pertaining to senior citizens and aging. There shall be one (1) Subcommittee of the Committee on Public Welfare, namely the Subcommittee on Aging, which shall deal with all bills pertaining to senior citizens and aging. The Subcommittee on Aging shall consist of a Chairperson and two (2) other members. The Committee on Public Welfare shall consist of five (5) members.

(11) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of eleven (11) members.

(12) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including Unemployment Compensation, Workmen's Compensation, Industrial Relations, and Small Business. The Committee on Business and Labor Relations shall consist of nine (9) members.

(13) Commerce, Transportation and Utilities, to which committee shall be referred all bills and other matters concerning commerce, motor vehicles, traffic regulation, highways, railways, airports and air transportation facilities, and all matters related to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the state; and bills relating to ports, harbors and docks. The Committee on Commerce, Transportation and Utilities shall consist of nine (9) members.

(14) State Development and Tourism, to which committee shall be referred all bills pertaining to industrial development, the Alabama Development Office, industrial bond programs and the expansion of existing industry. The committee shall also deal with all bills relating to tourism in the State of Alabama, as well as all bills relating to parimutuel betting, gambling or games of chance as provided for in Rule 51. The Committee on State Development and Tourism shall consist of five (5) members.

(15) Small Business, to which committee shall be referred all bills and other matters pertaining to the preservation, fostering, and promotion of small business in the State of Alabama. The Committee on Small Business shall consist of seven (7) members.

(16) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 300,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of seven (7) members.

(17) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of (6) members.

(18) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule

shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

Which was adopted.

And on motion of Senator Holmes, his Motion in Writing, as thus amended by the Figures Motion in Writing, was adopted by the Senate.

**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

The Alabama State Senate  
Alabama State House  
11 Union Street  
Montgomery, AL 36130

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, November 15, 1984, December 4, 1986 or April 2, 1987:

| <u>Name</u>          | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|----------------------|----------------|-----------------|-------------------------------|
| O. H. Delchamps, Jr. | Mobile, AL     | First           | 1988                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

The Alabama State Senate  
Alabama State House  
11 Union Street  
Montgomery, AL 36130

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been



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elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, November 15, 1984, December 4, 1986 or April 2, 1987:

| <u>Name</u>     | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|-----------------|----------------|-----------------|-------------------------------|
| Aaron M. Aronov | Montgomery, AL | Second          | 1992                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

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OF EDUCATION**

April 14, 1987

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Alabama State House  
11 Union Street  
Montgomery, AL 36130

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| <u>Name</u>      | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|------------------|----------------|-----------------|-------------------------------|
| Winton M. Blount | Montgomery, AL | Second          | 1989                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

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OF EDUCATION**

April 14, 1987

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Alabama State House  
11 Union Street  
Montgomery, AL 36130

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| <u>Name</u>           | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|-----------------------|----------------|-----------------|-------------------------------|
| Yetta G. Samford, Jr. | Opelika, AL    | Third           | 1990                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

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**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

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Alabama State House  
11 Union Street  
Montgomery, AL 36130

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been

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3rd Day

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elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, November 15, 1984, December 4, 1986 or April 2, 1987:

| <u>Name</u>          | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|----------------------|----------------|-----------------|-------------------------------|
| Cleophus Thomas, Jr. | Anniston, AL   | Third           | 1987                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

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**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

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Alabama State House  
11 Union Street  
Montgomery, AL 36130

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| <u>Name</u>         | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|---------------------|----------------|-----------------|-------------------------------|
| Garry Neil Drummond | Jasper, AL     | Fourth          | 1992                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

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OF EDUCATION**

April 14, 1987

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Alabama State House  
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| <u>Name</u>         | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|---------------------|----------------|-----------------|-------------------------------|
| John T. Oliver, Jr. | Jasper, AL     | Fourth          | 1989                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

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**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

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Alabama State House  
11 Union Street  
Montgomery, AL 36130

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elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, November 15, 1984, December 4, 1986 or April 2, 1987:

| <u>Name</u>         | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|---------------------|----------------|-----------------|-------------------------------|
| William H. Mitchell | Florence, AL   | Fifth           | 1990                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

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**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

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Alabama State House  
11 Union Street  
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| <u>Name</u>            | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|------------------------|----------------|-----------------|-------------------------------|
| Frank H. Bromberg, Jr. | Birmingham, AL | Sixth           | 1992                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

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OF EDUCATION**

April 14, 1987

The Alabama State Senate  
Alabama State House  
11 Union Street  
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Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, November 15, 1984, December 4, 1986 or April 2, 1987:

| <u>Name</u>    | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|----------------|----------------|-----------------|-------------------------------|
| Thomas E. Rast | Birmingham, AL | Sixth           | 1989                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

The Alabama State Senate  
Alabama State House  
11 Union Street  
Montgomery, AL 36130

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been

REGULAR SESSION  
3rd Day

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elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10, 1983, December 3, 1983, November 15, 1984, December 4, 1986 or April 2, 1987:

| <u>Name</u>    | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|----------------|----------------|-----------------|-------------------------------|
| Sandra Hullett | Eutaw, AL      | Seventh         | 1989                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

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April 14, 1987

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| <u>Name</u>       | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|-------------------|----------------|-----------------|-------------------------------|
| George S. Shirley | Tuscaloosa, AL | Seventh         | 1993                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM STATE SUPERINTENDENT  
OF EDUCATION**

April 14, 1987

The Alabama State Senate  
Alabama State House  
11 Union Street  
Montgomery, AL 36130

Gentlemen:

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| <u>Name</u>      | <u>Address</u> | <u>District</u> | <u>Expiration<br/>of Term</u> |
|------------------|----------------|-----------------|-------------------------------|
| Dr. Cordell Wynn | Tuscaloosa, AL | Seventh         | 1991                          |

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this 14th  
day of April, 1987.

Carroll T. Missildine  
Notary Public

**COMMUNICATION RECEIVED**

The foregoing Message from the Superintendent of Education, relative to an appointment to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

Senator Manley offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE ON REAPPORTIONMENT ACCORDING TO THE 1990 CENSUS.

WHEREAS, the Alabama Legislature is charged with reapportionment after each decennial census and the complexities are many and require incisive legal and demographic study; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint



legislative interim committee on reapportionment to consist of eighteen members as follows: seven members of the House of Representatives (one from each Congressional District), the Chairman of the House Judiciary committee and one member of the House of Representatives at large; seven members of the Senate (one from each Congressional District), the chairman of the Senate Judiciary Committee and one member of the Senate at large, to be appointed by the Speaker of the House and the Lieutenant Governor, respectively. This committee shall make a continuous study of the reapportionment problems in Alabama and seek solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time, during any regular or special session of the legislature, as it may deem necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending such committee meetings.

RESOLVED FURTHER, That the committee shall make its final report and recommendations, and present appropriate drafts of legislation, to the Alabama Legislature after the first regular or special legislative session of 1991, at which time it shall stand discharged of all duties or liabilities, and the said committee shall be dissolved.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and the authority to employ consultants, technicians, attorneys and any other experts needed to prepare maps and make professional appearances to support any plan of reapportionment adopted by the legislature. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

Which was read and referred to the Standing Committee on Rules.

Senators Preuitt, Denton, Campbell, Holmes, Covington, Amari, Manley, deGraffenried, Smith (J), Dial, Barron, Bedford, Sanders, Foshee, Cabaniss, Bishop, Bedsole, and Langford offered the following Senate Joint Resolution, to-wit:

**S. J. R. 11. JOINT RESOLUTION OF THE LEGISLATURE IN SUPPORT OF NATIONAL CRIME VICTIMS WEEK, 1987.**

WHEREAS, crime can have a severe and detrimental impact on victims and survivors of victims, causing financial loss, physical pain, and mental suffering; and

WHEREAS, crime can strike all Americans, regardless of age, race, economic status, or place of residence; and

WHEREAS, the criminal justice system must continue to be reformed and improved to ensure that the rights and needs of victims are honored and protected in a manner no less vigorous than those afforded criminal defendants; and

WHEREAS, The National Association of Attorneys General has recognized the importance of victim rights in previous resolutions, and has been engaged through its Crime Victims Project in a major effort to develop model victims legislation and encourage its consideration in the states, working cooperatively with the U.S. Department of Justice; and

WHEREAS, National Crime Victims Week, proclaimed by President Reagan in previous years, has provided an important opportunity to highlight

concerns of victims as well as the efforts of public officials and private citizens to take positive action on their behalf;

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING**, that the Alabama Legislature supports National Crime Victims Week 1987, and urges the Administration of Governor Hunt to support activities to mark this week and focus state attention upon it; and

**BE IT FURTHER RESOLVED**, that the Legislature encourages District Attorneys and law enforcement at all levels to support and participate in Crime Victims Week activities in their jurisdictions; and

**BE IT FURTHER RESOLVED**, that the Legislature expresses its appreciation to the Attorney General's Office for its cooperation with and assistance to the Legislature on crime victims issues.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

### NOTICE IN WRITING

Senator Bedford offered the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Notice is hereby given that on a subsequent Legislative Day a motion will be made to amend Senate Rule 48 to read as follows:

Rule 48: Each individual Senator shall be appointed to at least four standing Senate committees. All committees of the Senate and the Chairperson, Deputy Chairperson, Vice Chairperson, Subcommittee Chairperson, and members thereof shall be named by the President elected to serve for the quadrennium concurring with the term of the Senators adopting these rules or by any other appointing authority established by the Senate. Members shall serve at the pleasure of the President, provided, however, that the removal of any Senator from any committee position shall be subject to the consent of a majority of the members elected and such vote shall take place upon the same day as the filing of said motion for removal by the President.

Which was read and ordered spread upon the Journal.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Adjutant General.

Respectfully Submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, General Ivan F. Smith of Clanton, Alabama, as the Adjutant General of Alabama.

Respectfully Submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Adjutant General, Alabama National Guard, was read and referred to the Standing Committee on Rules.

### RESOLUTIONS

Senator Sanders offered the following Senate Resolution, to-wit:

S. R. 12. HONORING URALEE A. HAYNES, PROMINENT LOWNDES COUNTY EDUCATOR.

Which was filed.

Senators Smith (J) and Smith (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. NAMING THE OVERPASS AT MEMORIAL PARKWAY AND UNIVERSITY DRIVE IN HUNTSVILLE, ALABAMA, IN HONOR AND MEMORY OF THE LATE RALPH H. FORD.

WHEREAS, Ralph H. Ford was a prominent member of the Madison County Bar whose death on October 16, 1986, at the age of 70 years, left a deep void in the civic and cultural life of the Huntsville community, and in legal circles throughout the State of Alabama; and

WHEREAS, Mr. Ford was a graduate of Huntsville High School, and of the University of Alabama where he received the B.S. and LL.B. degrees and was a member of Omicron Delta Kappa honorary fraternity, the "A" Club and Pi Kappa Alpha social fraternity; and

WHEREAS, following distinguished service during World War II in the Pacific Theatre, Ralph Ford was honorably discharged as a lieutenant commander, USN, whereupon he entered the private practice of law in Huntsville; and

WHEREAS, during his career, Mr. Ford served professionally in numerous capacities of leadership and was a member of the Advisory Committee on Appellate Rules Practice for the Supreme Court of Alabama from 1971 until his death; a former president of the Huntsville-Madison County Bar Association; a member of the American Bar Association, Alabama State Bar, International Association of Insurance Counsel, Alabama Defense Lawyers Association, Federation of Insurance Counsel, American College of Trial

Lawyers, International Academy of Trial Lawyers and the Alabama Council of School Board Attorneys; and

WHEREAS, he also was a former attorney for Madison County and served as attorney for the Huntsville Hospital, the Madison County Board of Education, First American Federal Savings and Loan Association, and the Von Braun Civic Center Board; and

WHEREAS, Mr. Ford further was a past president of the Rotary Club; president of the Huntsville-Madison County Mental Health Board from 1969-1975; past president of the Huntsville-Madison County Chamber of Commerce; and a member of the First United Methodist Church of Huntsville; and

WHEREAS, Ralph H. Ford was indeed a beloved member of his community who long will be remembered for his unfailing courtesy to others, for his gracious charm and constant good humor, and for his years of dedicated and loyal service to the community and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in fitting and lasting tribute to an outstanding Alabamian and to a distinguished first citizen of Huntsville, we hereby name and designate the overpass at Memorial Parkway and University Drive in Huntsville, Alabama, as the "Ralph H. Ford Overpass."

BE IT FURTHER RESOLVED, That we extend deepest sympathy to Mr. Ford's wife, Mrs. Celeste S. Ford; children, Susan F. Echols and Robert H. and John B. Ford; to his mother, Mrs. Ruth S. Ford; and to other family members who shall receive a copy of this resolution as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole and Preuitt offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. TO RECOGNIZE THE NEEDS OF CRIME VICTIMS TO BE PROVIDED CERTAIN RIGHTS WITHIN THE CRIMINAL JUSTICE SYSTEM.

WHEREAS, there is a need to develop methods to reduce the trauma and discomfort that victims of a crime and witnesses to a crime may experience; and

WHEREAS, often such victims or witnesses are further victimized by the criminal justice system; and

WHEREAS, when crime strikes, the chief concern of the criminal justice system is apprehending and dealing with the criminal with the victim's needs being forgotten; and

WHEREAS, victims often become isolated and receive little practical advice or necessary care; and

WHEREAS, victims and witnesses must make arrangements to appear in court regardless of their own schedules, child care responsibilities or transportation problems; and

WHEREAS, victims and witnesses often endure long waits before testifying, are subjected to confusing circumstances while testifying and receive

little or no information as to the status or the final disposition of the case; and

WHEREAS, many crimes go unreported because victims and witnesses feel hopeless about the criminal justice system protecting them; and

WHEREAS, the single most important factor determining whether or not a case will be solved is the information that the victim supplies to the responding police officer; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that we request to the extent possible and subject to the available resources, victims and witnesses of crime, or in cases of homicide, the family members of the victims, shall be afforded the following rights where applicable:

- 1) For victims and witnesses to be informed by the prosecutor of the status of the case;
- 2) For victims to be notified of the custody or the change of custody of the defendant by the custodial authority;
- 3) For victims and witnesses to be notified by the District Attorney in a timely manner when a court proceeding has been cancelled or rescheduled;
- 4) For victims and witnesses to be provided with information by the District Attorney as to the level of protection available from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;
- 5) For victims to be informed by the District Attorney of restitution or compensation, and to obtain assistance in the documentation of the victim's losses;
- 6) For victims, family members, and witnesses to be provided a secure waiting area or room during court proceedings by the District Attorney;
- 7) For victims to have any personal property stolen or taken for evidentiary purposes be returned within ten (10) days of its taking or recovery if it is not needed for law enforcement or prosecution purposes;
- 8) For victims and witnesses to be provided, where appropriate, with employer and creditor intercession services; and
- 9) For victims and witnesses to be provided a prompt disposition of the case in which they are involved.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Manley offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. COMMENDING STEVE STEWART OF MONROEVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the election of Steve Stewart of Monroeville, Alabama, to the office of president of the Alabama Press Association; and

WHEREAS, prior to assuming said office on February 22, 1987, Mr. Stewart had served the association in numerous capacities of leadership

including terms as second vice president, first vice president, member of the board of directors, and as a member and/or chairman of several committees; and

WHEREAS, he also is a past president of APA's business affiliate, the Alabama Newspaper Advertising Service, and has served his profession on the national level as a director of the National Newspaper Association, representing the Southeastern states; and

WHEREAS, a native of Monroeville and a former reporter for The Atlanta Constitution, Mr. Stewart is a graduate of the University of Georgia, where he was editor of the student newspaper, The Red and Black.

WHEREAS, since 1973, Mr. Stewart has been the editor of The Monroe Journal, a family-owned weekly newspaper that has won a number of state and national awards for excellence, and which is widely known for the intelligence and sensitivity of its editorials that often are reprinted in other papers throughout Alabama; and

WHEREAS, Mr. Stewart's associates at The Monroe Journal include his father, Bill Stewart, who is the publisher and also a former president of the Alabama Press Association, and his wife, Patrice, who serves as managing editor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration of outstanding professional achievement, we hereby commend Steve Stewart of Monroeville, Alabama, whom we hold in highest regard, and for whom a copy of this resolution shall be provided.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Figures, Menton, and Hand offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. COMMENDING ARLENE MITCHELL, MOBILIAN OF THE YEAR FOR 1986.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Arlene Mitchell of Mobile, Alabama, "Mobilier of the Year" for 1986 and the first woman ever to be so recognized since the award's inception in 1949; and

WHEREAS, as a rare first ballot selection by representatives of some 100 Mobile-area civic, charitable and professional organizations, Mrs. Mitchell is indeed deserving of this honor attesting to her many years of community service and involvement; and

WHEREAS, Mrs. Mitchell, who is president of the Mobile Community Foundation, also serves on the Mobile Area United Way Child Substitute Care Committee, the board of directors of Senior Citizens Services and is a primary leader of Camp Rap-a-Hope for children who are victims of cancer; and

WHEREAS, she further is a member of the Dauphin Street Synagogue Sisterhood, Spring Hill Avenue Temple, several organizations serving Mobile's Jewish community, and is a supporter of St. James Major Catholic Church, Julius T. Wright School, UMS Prep School and the Spring Hill Presbyterian Church School for Special Children; and

WHEREAS, Mrs. Mitchell's activities extend to include participation in numerous other areas such as the arts, health, and welfare, and she is a former president of the Mobile Preschool for the sensory impaired; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of highest commendation, we congratulate Arlene Mitchell as "Mobilian of the Year" for 1986 and direct that she receive a copy of this resolution expressing sincere appreciation and regard of her continuing commitment to community service.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Menton, Figures, and Hand offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. COMMENDING BRIAN GINSBERG OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, it is with utmost pride and pleasure that the Legislature of Alabama congratulates Brian Ginsberg of Mobile, Alabama, as winner of the McDonald's American Cup gymnastic title; and

WHEREAS, the 20-year-old son of Dr. and Mrs. Nathan Ginsberg of Mobile, he is a graduate of St. Paul's High School and now attends the University of California at Los Angeles; and

WHEREAS, Brian Ginsberg, who finished second in this prestigious meet in 1986, led the field this year, from start to finish, earning near-perfect scores in four major exercises against some of the best and most talented gymnasts in the world, including the Soviet national champion, Vladimir Gogoladze, whose total point score of 58.00 fell short of Brian's 58.15; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Brian Ginsberg of Mobile, Alabama, as winner of the McDonald's American Cup gymnastic title, an impressive feat in which we share warm personal pride with him and his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Ginsberg that he may know of our sincere admiration of his many accomplishments, and of our very best wishes for every future success in life.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Ellis offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. GOAL-SETTING FOR EDUCATION IN ALABAMA.

WHEREAS, a new day for a great opportunity for progress in education in Alabama is taking form in achievable goals; and

WHEREAS, these new goals should be achieved by certain dates; and reports regarding progress toward the goals should be made public by the Governor on a biennial basis; and

WHEREAS, one goal is to obtain the SE average in 1992 in the areas of: 1. adults with high school diplomas; 2. high school seniors achieving

composite ACT averages; 3. adults with two-year and four-year college degrees; and 4. local support of funding K-12 education in Alabama; and

WHEREAS, the second goal is to obtain the National Average in 1996 in the areas of: 1. adults with high school diplomas; 2. high school seniors achieving composite ACT averages; 3. adults with two-year and four-year college degrees; and 4. local support of funding K-12 education in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we believe focusing on such clear, compelling and comprehensive target figures will introduce a new principle of planning into the affairs of our State, one that is goal-oriented and thus amenable to evaluation . . . one that, in fact, will vitalize educational planning in the State of Alabama.

BE IT FURTHER RESOLVED, That we do encourage all educators and public officials in this State to do everything in their power to obtain these goals for the benefit of the citizens of this great State.

Which was read and referred to the Standing Committee on Rules.

#### **STANDING COMMITTEE APPOINTMENTS ANNOUNCED**

Pursuant to the Motion in Writing by Senator Holmes, relative to Senate Rule 49, the following Standing Committee appointments were announced:

#### **BANKING AND INSURANCE COMMITTEE**

Drinkard, Chairperson; Cabaniss, Vice Chairperson; Amari, Bedford, Covington, deGraffenried, Dixon, Figures, Foshee, Goodwin, Smith (J).

#### **RULES COMMITTEE**

Smith (J), Chairperson; Drinkard, Vice Chairperson; Barron, Bedford, Bishop, Dial, Figures, Foshee, Manley, Preuitt, Smith (B).

#### **HEALTH COMMITTEE**

Smith (J), Chairperson; Preuitt, Vice Chairperson; Bailey, Bedsole, Dial, Dixon, Drinkard, Hale, Smith (B).

#### **FINANCE AND TAXATION COMMITTEE**

Horn, Chairperson; Barron, Deputy Chairperson.

#### **GENERAL FUND SUBCOMMITTEE**

Hand, Vice Chairperson; Amari, Bedford, Cabaniss, Denton, Ellis, Figures, Goodwin, Manley, Preuitt, Smith (B).

#### **EDUCATIONAL FUND SUBCOMMITTEE**

Ellis, Vice Chairperson; Bishop, Bennett, Covington, deGraffenried, Dial, Drinkard, Hand, Hilliard, Rice, Sanders.

#### **ECONOMIC AFFAIRS COMMITTEE**

Amari, Chairperson; Smith (B), Vice Chairperson; Bedford, Bennett, Campbell, Corbett, Holmes, Langford, Parsons, Sanders, (Vacancy due to resignation).



**CONSUMER AFFAIRS SUBCOMMITTEE**

Bedford, Chairperson; Holmes, Sanders.

**INTERNATIONAL AND DOMESTIC TRADE SUBCOMMITTEE**

Smith (B), Chairperson; Campbell, Amari.

**JUDICIARY COMMITTEE**

Preuitt, Chairperson; Barron, Vice Chairperson; Bailey, Bedsole, Cabaniss, Dial, Dixon, Hale, Hand, Langford, Menton, Smith (J).

**GOVERNMENTAL AFFAIRS COMMITTEE**

Manley, Chairperson; Bedford, Vice Chairperson; Bishop, Campbell, Corbett, Covington, Denton, Dixon, Ellis, Hale, Hilliard, Holmes, Langford, Parsons, (Vacancy due to resignation).

**MILITARY AFFAIRS SUBCOMMITTEE**

Dixon, Chairperson; Hale, Holmes.

**STUDENT AFFAIRS SUBCOMMITTEE**

Bedford, Chairperson; Campbell, Hilliard.

**NATURAL RESOURCES COMMITTEE**

Bishop, Chairperson; Foshee, Vice Chairperson; Covington, Dial, Drinkard, Menton, Preuitt.

**MINING AND RECLAMATION SUBCOMMITTEE**

Bishop, Chairperson; Dial, Foshee.

**OIL AND GAS SUBCOMMITTEE**

Menton, Chairperson; Bishop, Drinkard.

**WATERWAYS SUBCOMMITTEE**

Preuitt, Chairperson; Covington, Dial.

**AGRICULTURE, CONSERVATION, AND FORESTRY  
COMMITTEE**

Bedsole, Chairperson; Bailey, Barron, Bishop, Campbell, Covington, Denton, Ellis, Hale, Hand, Holmes, Menton, (Vacancy due to resignation).

**COASTAL WATERS CONSERVATION SUBCOMMITTEE**

Menton, Chairperson; Bedsole, Hand.

**FORESTRY, FISH, AND GAME SUBCOMMITTEE**

Ellis, Chairperson; Holmes, (Vacancy due to resignation).

**PUBLIC WELFARE COMMITTEE**

Rice, Chairperson; Amari, Vice Chairperson; Bennett, Corbett, (Vacancy due to resignation).

**COMMITTEE ON AGING SUBCOMMITTEE**

Amari, Chairperson; Bennett, Rice.

**EDUCATION COMMITTEE**

Bailey, Chairperson; Hand, Vice Chairperson; Barron, Bedsole, Bennett, Dial, Menton, Parsons, Preuitt, Rice, Smith (B).

**BUSINESS AND LABOR RELATIONS COMMITTEE**

Foshee, Chairperson; Rice, Vice Chairperson; Barron, Cabaniss, Hand, Holmes, Langford, Preuitt, (Vacancy due to resignation).

**COMMERCE, TRANSPORTATION, AND UTILITIES COMMITTEE**

Dial, Chairperson; Amari, Vice Chairperson; Campbell, Covington, Denton, Dixon, Ellis, Foshee, Hilliard.

**STATE DEVELOPMENT AND TOURISM COMMITTEE**

deGraffenried, Chairperson; Goodwin, Vice Chairperson; Bishop, Foshee, Manley.

**SMALL BUSINESS COMMITTEE**

Holmes, Chairperson; Denton, Vice Chairperson; Bedford, Corbett, Dixon, Hale, Langford.

**LOCAL LEGISLATION NO. 1 COMMITTEE**

Covington, Chairperson; Foshee, Vice Chairperson; Bedford, Bishop, Goodwin, Manley, Sanders.

**LOCAL LEGISLATION NO. 2 COMMITTEE**

Hilliard, Chairperson; Amari, Vice Chairperson; Bennett, Cabaniss, Horn, Parsons.

**LOCAL LEGISLATION NO. 3 COMMITTEE**

Figures, Chairperson; Menton, Vice Chairperson; Bedsole, Hand.

**RESOLUTIONS**

Senators Denton and Bedford offered the following Senate Resolution, to-wit:

S. R. 19. COMMENDING INEZ COAN OF NORTHWEST ALABAMA JUNIOR COLLEGE, AS ALABAMA'S ABE TEACHER OF THE YEAR.

Which was filed.

Senator Denton then offered the following Senate Resolution, to-wit:

S. R. 20. COMMENDING THE NORTHWEST ALABAMA JUNIOR COLLEGE VIKING BASKETBALL TEAM.

Which was filed.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Holmes, Menton, Corbett, Bennett, Parsons, and Campbell:

S. 216. To provide further for the number of students in each academic classroom in the public schools in Alabama.

Committee on Education.

By Senators Holmes and Dixon:

S. 217. To amend Section 41-16-3 of the Code of Alabama 1975, which requires that contracts entered into by the state of Alabama must be executed in a timely manner, so as to require that payment must be made within 60 days.

Committee on Governmental Affairs.

By Senator Holmes (With Notice and Proof):

S. 218. Relating to the City of Jacksonville, Calhoun County; authorizing the Jacksonville City governing body to levy an additional ad valorem tax in School District Number 53 to be used for educational purposes and providing for a referendum on such taxes.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 218, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Holmes, Foshee, Bennett, deGraffenried, Goodwin, Denton, Preuitt, Smith (J), Rice, Langford, Hale, Horn, Manley, Bedford, Hand, Bedsole, Campbell, Hilliard, Amari, Covington, Ellis, Smith (B), Parsons, and Bishop:

S. 219. To provide, for an additional fee, to owners of motor vehicles special license tags or plates which represent the various institutions of higher learning in this state; to provide for the design of said tags or plates; to authorize the revenue department to adopt such rules and regulations as are necessary to implement the provisions hereof and to require the department to furnish lists of said tags to sheriffs of this state; to require the removal of said special school tags upon the sale of a motor vehicle; to prohibit unauthorized use of such tags; to provide for the distribution of the extra fees for such tags; and to provide for a method of distributing the scholarship funds generated by this act to students who are residents of Alabama.

Committee on Finance and Taxation.

By Senator Holmes:

S. 220. Relating to the creation of a durable power of attorney for health care; to provide for the title of the Act; to state the legislative intent; to define the terms durable power of attorney for health care, attorney in fact, health care, health care decision, health care provider, and person; to

provide that a durable power of attorney for health care is effective to authorize the attorney in fact to make health care decisions for the principal; to provide for the manner of execution and attestation of the durable power of attorney for health care; to provide that a treating health care provider or an employee of a treating health care provider shall not be designated as attorney in fact; to provide for the form of a durable power of attorney executed without advice of legal counsel; to describe the circumstances under which an attorney in fact may authorize health care decisions for the principal; to provide the attorney in fact with the right to receive and review medical records of the principal; to provide that a durable power of attorney shall expire seven years from the date of its execution unless at the end of that period the principal lacks capacity to make health care decisions; to provide that a durable power of attorney may be revoked and the manner of effecting such revocation; to provide that a health care provider shall not be subject to criminal prosecution, civil liability or professional disciplinary action for relying on health care decisions made by an attorney in fact acting in good faith; to provide that this act does not affect the law governing health care treatment in an emergency; to provide that the attorney in fact is not authorized to consent to health care or to consent to the withdrawing of health care if the principal objects to the health care or to the withdrawing of the health care; to provide that a health care provider health care service plan insure self-insured employee welfare benefit plan or non-profit hospital plan may not condition admission to the facility or the providing of treatment on the requirement that a patient execute a durable power of attorney for health care; to provide for severability and the effective date of this act.

Committee on Judiciary.

By Senators Horn and Barron:

S. 221. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senators Horn and Barron:

S. 222. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senator Dial:

S. 223. To amend Section 13A-5-9 of the Code of Alabama 1975 so as to apply the provisions of said section only to escape or attempted escape convictions that involve the use of or physical force directed against a person or the use or threat of use of a deadly weapon or dangerous instrument.

Committee on Judiciary.

By Senator Dial:

S. 224. To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$30,000.00.

Committee on Finance and Taxation.

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By Senators Dial, Rice, Hand, Bedsole, and Cabaniss:

S. 225. Proposing an amendment to the Constitution of 1901, prohibiting deficit spending and relating to appropriations and the legislative process therefor.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Dial:

S. 226. Authorizing and empowering the state purchasing agent to purchase certain articles and products from prison industries in other states for resale by this state's prison industry to political subdivisions of this state.

Committee on Governmental Affairs.

By Senator Dial:

S. 227. To amend Sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners in Psychology, so as to provide for increases in certain fees charged by the board.

Committee on Governmental Affairs.

By Senator Dial:

S. 228. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each the University of Alabama and Auburn University; to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for the respective universities; and to provide for an effective date.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Dial, Bailey, Bedford, Barron, Denton, Rice, Preuitt, Hand, Foshee, Covington, Holmes, and Ellis:

S. 229. To amend further Section 40-12-240 of the Code of Alabama 1975, relating to motor vehicle licenses, so as to define further the term "private passenger automobile"; to provide for the effective date.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Dial, Bennett, Manley, Hand, Barron, Foshee, Campbell, and Hale:

S. 230. To amend Section 32-5A-171, Code of Alabama 1975, which relates to the maximum speed limit of motor vehicles, so as to provide for an increase in the maximum speed limit on certain portions of the Interstate

System and to provide for the marking of trucks and maximum speed limit of trucks transporting explosives, flammable liquids or hazardous wastes.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Ellis, Cabaniss, Bedsole, Foshee, Hand, Campbell, and Preuitt:

S. 231. To amend Code of Alabama 1975, §15-22-23 and §15-22-36 to clarify the requirement that the victim in certain cases be given written notice and an opportunity to be heard before the board of pardons and paroles is authorized to even tentatively approve any pardon, parole, remission of fine or other forfeiture or restoration of civil and political rights; to amend §15-22-28 to provide that no order granting parole shall vest any right or have any force or effect for forty-five days after it is announced, and during that forty-five day period the board may rescind, cancel or nullify the parole for any reason; to further amend §15-22-36 to provide that the Attorney General or his representative shall have complete access to the prisoner's file; and to amend §15-22-39 to further specify the action or inaction which is subject to criminal penalties.

Committee on Judiciary.

By Senator Ellis:

S. 232. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Committee on Judiciary.

By Senators Amari, Smith (B), Rice, Goodwin, Bedford, Dial, Hale, Bennett, Manley, Smith (J), Hand, Barron, Drinkard, Denton, Preuitt, Campbell, Holmes, Cabaniss, Ellis, Bedsole, Covington, Parsons, and deGraffenried:

S. 233. To make certain legislative findings, to define terms for the purposes of this act; to grant certain immunity from suit and civil liability for certain officers, directors, trustees and members of governing bodies of not-for-profit corporations, associations or organizations which are exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended; not-for-profit corporations, associations or organizations which are organized pursuant to Sections 10-3A-2, 22-51-1, 22-51-2, 22-51-3, 22-51-4, 22-51-5, 22-51-6, 22-51-7, 22-51-8, 22-51-9, 22-51-10, 22-51-11, 22-51-12, 22-51-13, and 22-51-14 of the Code of Alabama 1975, self-insured funds established pursuant to Sections 11-26-1, 11-26-2, 11-30-2 or 25-5-9, Code of Alabama 1975, or other legal authority; and boards, authorities or commissions the members of which are appointed by the governing body or bodies of any county or municipality, or by the Governor or other constitutional officers or members of the legislature, pursuant to legislative or constitutional authorization, or the members of which are constitutionally or legislatively delegated.

Committee on Judiciary.

By Senators Cabaniss, Dial, Rice, and Hand:

S. 234. To repeal Sections 36-26-100, 36-26-101, 36-26-102, 36-26-103, 36-26-104, 36-26-105, 36-26-106, 36-26-107, and 36-26-108 Code of Alabama

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1975, pertaining to dismissal procedures for nonteacher, nonclassified, etc., employees in certain school systems, institutions, etc.

Committee on Education.

By Senator Bedsole:

S. 235. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Committee on Finance and Taxation.

By Senator Parsons:

S. 236. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to provide that certain types of litter and littering shall constitute prima facie evidence of an individual's criminal actions.

Committee on Judiciary.

By Senator Horn:

S. 237. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senator Horn:

S. 238. To create and establish a division of motor vehicle management within the state department of finance; to provide for the duties and functions; to provide for a life-cycle monitoring and maintenance program with all motor vehicles being owned and maintained by the division; to provide for departmental vehicle assignments; to provide for funding; and to repeal Sections 41-17-1, 41-17-2, 41-17-3, 41-17-4, 41-17-5, 41-17-6, 41-17-7, 41-17-8 and 41-17-9 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Senator Horn:

S. 239. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective on October 1, 1987, or thereafter.

Committee on Finance and Taxation.

By Senator Horn:

S. 240. To grant paid bereavement leave to public educational employees upon the death of family members; to provide that said leave shall be paid from the Alabama Special Educational Trust Fund budget; and to make an appropriation.

Committee on Finance and Taxation.

By Senator deGraffenried (With Notice and Proof):

S. 241. Relating to Tuscaloosa County; to amend Sections 10 and 11 of Act No. 80-618, H. 852, Regular Session 1980, (Acts 1980, p. 1054), which established a public defender office in Tuscaloosa County, so as to increase

court costs taxed in the circuit and district courts payable to the public defender fund.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 241, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator deGraffenried:

S. 242. To authorize State Troopers to retire with twenty-five years service and to provide for the formula to be used in calculating retirement benefits.

Committee on Finance and Taxation.

By Senator Manley:

S. 243. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Committee on Judiciary.

By Senator Manley:

S. 244. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama supreme court instead of to the Alabama court of criminal appeals and then to the Alabama supreme court; to amend Code of Alabama 1975, §12-3-9 and §13A-5-53 accordingly; to provide that the Alabama supreme court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; to provide which cases this act applies to; to provide for the repeal of conflicting laws and the scope of that repeal; to provide for severability; and to provide an effective date.

Committee on Judiciary.

By Senator Manley:

S. 245. To authorize the department of revenue to collect debts owed to certain state agencies through set-off from debtors' income tax refunds, and to provide the procedure for such set-off.

Committee on Judiciary.

By Senator Manley:

S. 246. To amend Section 17-10-11, Code of Alabama 1975, which provides officials for counting absentee ballots and poll watchers, so as to provide further for said officials.

Committee on Governmental Affairs.

By Senator Sanders (With Notice and Proof):

S. 247. Relating to Wilcox County; to provide that any person or persons owning a minimum of 80 contiguous acres of land or leasing of record the



hunting rights on a minimum of 80 contiguous acres of land and who carries on a program of protection, caring for and feeding the resident game on said land, shall not be restricted in his game feeding program or the hunting of resident game by any statutes or regulation prohibiting the taking of game over feed or planted plots or fields.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 247, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders (With Notice and Proof):

S. 248. Relating to Wilcox County; to provide further for the hunting of wild turkeys in said county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 248, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders: -

S. 249. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senator Sanders:

S. 250. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body shall become effective as to any county of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the county governing body of the county affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective county governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 251. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

Committee on Judiciary.

By Senators Goodwin, Menton, Foshee, Denton, and Holmes:

S. 252. To provide for the establishment of a working capital fund from which to pay claims against the State Highway Department's self-insurance program (provided for in Section 23-1-41, Code of Alabama 1975, as amended), in the event that the Director of the Highway Department with the approval of the Governor elects to administer this program with Highway Department personnel. Also, to provide procedures for the establishment and operation of said working capital fund.

Committee on Finance and Taxation.

By Senator Bailey:

S. 253. Proposing an amendment to the Constitution of Alabama 1901, providing that all of the assets, proceeds or income of the Teachers', Employees', State Police, Public and Judicial Retirement Systems, or any successor systems thereto, and all contributions and payments made to such systems to provide for retirement and related benefits thereunder, shall be held, invested as authorized by law, or disbursed as in trust for the exclusive purpose of providing for such benefits, refunds and administrative expenses under the management of the boards of control of the aforementioned systems; and providing that none of such assets, proceeds, income, contributions or payments shall be used, loaned, encumbered or diverted to or for any other purpose whatsoever.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Covington:

S. 254. To amend Section 36-7-20, Code of Alabama 1975, which relates to state employees' expense allowances, so as to make the expense provision optional where employees attend training sessions provided by contract with the employing agency and where expenses for meals and per diem are paid by such contract.

Committee on Governmental Affairs.

By Senator Covington:

S. 255. To amend Section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

Committee on Judiciary.

By Senator Covington:

S. 256. To amend Section 11-43-12.1, Code of Alabama 1975, as amended, to authorize municipal employees or board members of municipal boards, organized under statutory authority of or for such municipality, to deal with and transact business with the employer municipality on the same basis and under the same procedures as municipal officials are authorized to do under said Section.

Committee on Governmental Affairs.

By Senator Covington:

S. 257. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging

to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Covington:

S. 258. To provide that a rural electric cooperative or a gas district may terminate or decline service if an applicant or customer, or a member of the applicant's or customer's household, is indebted to such rural electric cooperative or gas district at the present location or a former location of the applicant or customer; to provide for certain exemptions, and to provide for continuance of service by special deposits pending resolution of disputes.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Covington:

S. 259. To amend Section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama; and to provide certain exceptions.

Committee on Banking and Insurance.

By Senator Foshee:

S. 260. To amend Section 37-6-4, Code of Alabama 1975, so as to allow a generating or transmission cooperative to use the word "power" in its name in lieu of the words "electric" or "cooperative" and to delete the requirement that the name of distribution cooperatives contain the word "electric."

Committee on Commerce,  
Transportation, and Utilities.

By Senator Foshee (With Notice and Proof):

S. 261. Relating to the 12th Judicial Circuit; to increase a certain fee authorized by Section 12-17-224 of the Code of Alabama 1975, which is collected by the special services division of the district attorney's office; to authorize said special services division to collect up to a certain amount to be distributed to the person who receives a worthless check and to provide for the expenditure of the proceeds from said fees.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 261, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Foshee (With Notice and Proof):

S. 262. Relating to the Twelfth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said circuit to be paid from county funds on a share and share alike basis by the counties

comprising said circuit; prescribing a certain formula for increases in such salary supplements and prescribing certain procedures and conditions relating to the payment of such supplements.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 262, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,  
Secretary.

By Senators Hand, Dixon, Foshee, Cabaniss, Bedsole, Manley, Barron, and Horn:

S. 263. To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, relating to Insurance Company Premium Tax so as to change the dates of premium tax payments by insurers.

Committee on Finance and Taxation.

By Senator Hand:

S. 264. To amend section 9-3-10.1, Code of Alabama 1975, which provides for the emergency forest fire fund, so as to change the name to the emergency forest fire, insects and disease fund and to increase the ceiling on the appropriation to the fund.

Committee on Finance and Taxation.

By Senators Hand, Cabaniss, Rice, Smith (B), Campbell, and Covington:

S. 265. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-178, 12-19-179 and 12-14-14, Code of Alabama 1975, to increase the fees and costs in circuit, district, and municipal courts; to further provide for the distribution of fees and costs in circuit, district and municipal courts so as to enhance that portion of the fees and costs that are distributed to the state general fund; to further provide for the costs assessed in municipal courts; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Committee on Finance and Taxation.

By Senator Hand:

S. 266. To amend Section 32-5-192, Code of Alabama 1975, relating to a motor vehicle operator's implied consent to submit to chemical tests to determine blood alcohol content, so as to extend said implied consent to tests for controlled substances; to increase the license suspension period for refusing to submit to a test; and to permit a law enforcement officer to administer said tests in cases of death or serious bodily injury even without a lawful arrest if the officer has probable cause.

Committee on Judiciary.

By Senators Figures, Hand, Ellis, Corbett, Bedford, Amari, Langford, deGraffenried, Campbell, Goodwin, Foshee, Horn, and Sanders:

S. 267. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor

vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks; prescribing misdemeanor penalties for certain violations; repealing conflicting laws; and providing that the provisions of this act supersede Title 32, Chapter 7, Code of Alabama 1975, as amended, which provides for the Motor Vehicle Safety Responsibility Act.

Committee on Banking and Insurance.

By Senator Figures:

S. 268. Relating to any Class 5 municipality; providing for a referendum on the question of adoption of a mayor-council form of government with five single-member districts and a mayor to be elected at large; establishing the said forms of government; providing for the establishment of boundaries of five districts; and providing for penalties for violations of certain provisions of this act.

Committee on Governmental Affairs.

By Senators Menton, Goodwin, Foshee, Amari, Holmes, and Denton:

S. 269. To amend sections 40-11-4, 18-1A-30, 18-1A-290, 18-1A-291, and 18-1A-214, Code of Alabama 1975, relating to ad valorem taxes, so as to provide for the proration, calculation, collection and payment on a prorated basis of certain ad valorem taxes at the time of acquisition on property acquired by a tax exempt body with power of eminent domain through eminent domain or by conveyance; to provide further for the collection and payment, at the time of acquisition, of ad valorem taxes which are due and unpaid, including delinquent taxes on the property acquired, and on the property from which the acquisition is made, including the whole or entire property acquired, if the whole is acquired; to provide for the payment of all such taxes so collected to the appropriate tax collector, and for notice and procedure for the proration and for the collection and payment of all such taxes and for the removal of the acquired property from the tax assessor's book of assessments including the tax rolls of the tax assessor; and to repeal section 23-1-207, Code of Alabama 1975, authorizing the highway department to reimburse property owners for certain expenses.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 270. To provide an exemption from the competitive bid law for municipalities acting pursuant to the authority granted by Act #105 of the 1972 Regular Session of the Alabama Legislature.

Committee on Governmental Affairs.

By Senator Hilliard (With Notice and Proof):

S. 271. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 271, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard:

S. 272. To define, specify principles of liability and defenses for, and prescribe the punishment for the crimes of: criminal solicitation to commit a controlled substance crime, attempt to commit a controlled substance crime, and criminal conspiracy to commit a controlled substance crime; to provide that criminal solicitation, attempt, and criminal conspiracy to commit a controlled substance crime are included offenses in any controlled substance crime that is charged; to specify the conduct to which this act applies; to repeal any conflicting laws; to provide for severability; and to provide an effective date.

Committee on Judiciary.

By Senator Hilliard:

S. 273. To propose an amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district; to exempt the municipality or county from the provisions of Section 94 of the Constitution with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes, to ratify and approve legislation adopted in furtherance of the powers hereby conferred; and to provide for the adoption hereof.

Committee on State Development and Tourism.

The above Bill was read a first time at length as required by the Constitution.

By Senator Hilliard:

S. 274. To provide for the redevelopment and revitalization of municipalities and counties in this state and funding the costs thereof through tax increment financing; to authorize the creation of tax increment districts and the adoption of project plans with respect thereto and establish the procedures and requirements therefor; to establish procedures for determining the tax increment and the tax increment base; to permit the amendment of project plans; to provide for allocation of tax increments for such districts to the municipality or county that created the district and for the expiration of such allocations; to provide for the termination of such tax increment districts; to prescribe sources for paying project costs within such districts; to authorize indebtedness to be incurred for such costs, payable from such tax increments, and which may or may not be additionally secured by the full faith and credit of the issuer and other liens or covenants; to permit pay-as-you-go funding of projects; to permit overlapping districts; to provide

for calculating the equalized assessment of taxable property within such districts and to permit withholding of tax increments to satisfy prior binding commitments.

Committee on State Development and Tourism.

By Senator Barron:

S. 275. To amend Section 22-9-8, Code of Alabama 1975, as amended, by adjusting fees for certified copies of Vital Statistics records.

Committee on Finance and Taxation.

By Senator Langford:

S. 276. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Committee on Governmental Affairs.

By Senator Rice:

S. 277. To amend Sections 34-24-191 and 34-24-217 of the Code of Alabama 1975, relating to the practice of physical therapy, so as to allow individuals to have direct access to physical therapy services.

Committee on Health.

By Senator Rice:

S. 278. To amend Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which sections relate to recordation taxes levied upon deeds, bills of sale, mortgages or other instruments conveying any interest in real or personal property, so as to exempt the re-recording of such instruments executed in order to correct errors in such instruments, specifically, but not limited to, the correction of maturity dates of such instruments, for the purpose of perfecting the title to real or personal property.

Committee on Governmental Affairs.

By Senator Hilliard (With Notice and Proof):

S. 279. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last or any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits, and to repeal all laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 279, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 280. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955,

Page 1004), as amended, providing a mayor-council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to provide the method for determining the annual salary to be paid to the mayor of such city.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 280, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Rice:

S. 281. To amend Section 11-43A-27 of the Code of Alabama 1975, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

Committee on Governmental Affairs.

By Senator Rice:

S. 282. Relating to county or municipal or district water, sewer, or fire protection authorities incorporated pursuant to Chapter 88 or 89, Title 11, Code of Alabama 1975, so as to allow such authorities to indemnify its board of directors, officers, employees, accepted volunteer personnel, or agents for certain expenses, pursuant to judgments, settlements, agreements or other liabilities arising from their official acts for the authorities, and to authorize the purchase and maintenance of liability insurance for such purposes.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Bedsole, Bennett, Covington, Drinkard, Smith (J), deGraffenried, Corbett, Dixon, Preuitt, Menton, Hale, Barron, Horn, Foshee, and Holmes:

S. 283. To create the Dietetic/Nutrition Licensing Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

Committee on Health.

By Senator Bennett (With Notice and Proof):

S. 284. To further amend Sections 18 and 20 of an act designated as Act #248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a countywide civil service system. To provide for appointment of department heads from all qualified candidates unless the appointing authority shall request the three ranking eligibles only.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 284, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.



By Senators Barron, Bailey, Foshee, Preuitt, Dial, Hand, Manley, deGraffenried, Bedsole, Holmes, Dixon, Covington, Menton, Drinkard, Smith (J), Cabaniss, Denton, Smith (B), and Bedford:

S. 285. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

Committee on Judiciary.

By Senators Barron, Bailey, Foshee, Preuitt, Dial, Hand, Manley, deGraffenried, Bedsole, Holmes, Dixon, Covington, Menton, Drinkard, Smith (J), Cabaniss, Denton, Smith (B), and Bedford:

S. 286. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or in accordance with, the plans and specifications prepared by an architect or engineer arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; providing a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; providing a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; providing when a cause of action accrues or arises; providing that this act does not apply to causes of action which have accrued prior to its effective date; providing that this act does not create any cause of action against such architects or engineers or builders or any other persons; excluding causes or rights of action against manufacturers of products; extending the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; defining certain terms and repealing all conflicting laws.

Committee on Judiciary.

By Senators Barron, Dial, Bedford, Manley, Ellis, Preuitt, Rice, Hand, Bailey, Foshee, Covington, Bedsole, Drinkard, Dixon, Denton, Menton, Hale, Holmes, Horn, and deGraffenried:

S. 287. Providing that elected public officials shall be members of the executive committee of their respective political parties; providing procedure for declining such membership; providing that certain judges and officials shall be exempt from the provisions of this act; and providing for certain annual meetings for such parties.

Committee on Judiciary.

By Senator Langford:

S. 288. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health

insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Committee on Governmental Affairs.

By Senator Langford:

S. 289. To amend Sections 41-13-5 and 41-13-22 through 41-13-25, Code of Alabama 1975, relating to the management of certain public records so as to provide further for such management to include such records of municipalities; and to create a local government records commission in lieu of a county records commission.

Committee on Governmental Affairs.

By Senator Denton:

S. 290. To amend Section 36-6-1, Code of Alabama 1975, which defines "state employee" for compensation purposes, so as to authorize awards of nominal value as a form of discretionary compensation for deeds of merit and for longevity.

Committee on Governmental Affairs.

By Senator Manley:

S. 291. To propose a constitutional amendment amending Section 6 and deleting Section 16 of Constitutional Amendment 465 so as to provide that the Port Authority established by the City of Jackson shall only maintain offices within said city, that certain powers shall be granted and enforceable only within the City of Jackson and the police jurisdiction of said city and to remove the prohibition against the subsequent incorporation of another corporation within the county.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Ellis:

S. 292. To amend Section 3-1-5, Code of Alabama 1975, which relates to permitting dogs to run at large, so as to authorize county commissions to enact ordinances to require that dogs be maintained on leashes or in pens.

Committee on Governmental Affairs.

By Senators Bedsole, Foshee, Menton, Dial, Bennett, Hand, Hale, and Campbell:

S. 293. To amend Section 13A-7-29, Code of Alabama 1975, which provides for the crime of criminal littering, so as to provide further for said offenses and the penalties for violations thereof.

Committee on Judiciary.

By Senator Bedsole:

S. 294. To provide for and require an annual state "big game (deer and turkey) stamp"; to provide for certain exemptions; to provide for the cost

thereof and an issuance fee under certain circumstances; to provide for the sale of said stamp on a combination basis under certain circumstances; to provide for an annual increase in the fees for said stamp; to provide for the form of said stamp; to prohibit production of said stamp by the Alabama Wildlife Federation; to permit production by the Alabama Wildlife Federation of certain items relating to said stamp; and to provide for the deposit of the fees.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Barron (With Notice and Proof):

S. 295. Relating to the City of Scottsboro, Alabama; to prohibit the hunting of ducks, geese and all other waterfowl within the Roseberry Embayment.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 295, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Barron and Dial:

S. 296. To provide that persons now employed by state junior colleges and Athens State College who were employed by said institutions prior to such time as said institutions became state supported, may purchase credit for up to five years for such service under the Teachers' Retirement System of Alabama.

Committee on Finance and Taxation.

By Senator Barron:

S. 297. To further amend Section 40-6-1, Code of Alabama 1975, as amended, so as to provide further for the qualifications for appointment as a supernumerary official.

Committee on Finance and Taxation.

By Senators Drinkard, Parsons, Amari, Hilliard, Corbett, Langford, Bennett, Sanders, Bishop, and Figures:

S. 298. To amend Section 25-4-72, Code of Alabama 1975, which provides for the amount of weekly benefits under Workmen's Compensation, so as to increase said amount.

Committee on Business and Labor Relations.

By Senator Bedsole:

S. 299. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection

and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

Committee on Agriculture,  
Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Senators Goodwin, Menton, Smith (B), and Bishop:

S. 300. To amend Section 9-17-6, Code of Alabama 1975, which relates to the state oil and gas board, so as to authorize the board to regulate enhanced recovery methods, including Class II injection wells; and to delegate power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, which provides for notification and filing fees prior to drilling wells, so as to authorize the board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board special fund, and to provide that well permit fees, filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

Committee on Natural Resources.

By Senators Hand and Foshee:

S. 301. To amend Section 40-17-224 of the Code of Alabama 1975, relating to use of certain gas tax proceeds for highway purposes, so as to provide further for such use by certain municipalities.

Committee on Finance and Taxation.

By Senator Drinkard:

S. 302. To authorize the state board of health to designate and require proper reporting of notifiable diseases; to require reporting of designated notifiable diseases by certain persons and to provide for confidentiality of such reports; to provide for quarantine of certain persons afflicted with a notifiable disease; to require disclosure of certain medical records to the state health officer; to empower the state board of health to investigate and suppress notifiable diseases; to provide for penalties for failure to report notifiable diseases; to require obedience to the lawful orders of health officials regarding notifiable diseases; to require reports of active or suspected active cases of tuberculosis; to provide for commitment, after hearing before the probate judge, of recalcitrant persons infected with tuberculosis; to allow for admission to regional contract tuberculosis hospitals of persons with other types of chronic lung diseases; to provide for treatment by the state board of health of persons infected with tuberculosis; to authorize the state board of health to designate and treat sexually transmitted diseases and to require reporting thereof; to require testing for syphilis of all persons seeking a marriage license; to require sexually transmitted disease serologic testing of all pregnant women and require reporting of positive results; to require testing for designated sexually transmitted diseases of all inmates in correctional facilities and jails and require reporting of positive results; to require confinement, after hearing, of persons with designated sexually transmitted diseases; to remove the disabilities of non-age from minors 12 years or older as to treatment for designated sexually transmitted diseases; to require instruction in measures of preventing designated sexually transmitted diseases; to prescribe the penalty for treating designated sexually transmitted diseases without a license as a physician; to prescribe the penalty for transmitting

designated sexually transmitted diseases; to provide for confidentiality of designated sexually transmitted disease records; to require all persons to seek and accept treatment for designated notifiable diseases; to require compulsory testing, treatment and quarantine of persons infected with designated notifiable diseases and who refuse same, after hearing before the probate judge; to prescribe the manner and form of quarantine petitions; to require the probate judge to hear such petitions; to require compulsory attendance at hearings by persons suspected of being infected with designated notifiable disease; to allow for the appointment of attorney and guardian ad litem for persons suspected of having designated notifiable disease; to allow commitment hearings in absentia under certain conditions; to specify the findings that the probate judge must make prior to commitment of persons afflicted with designated notifiable disease; to provide for jurisdiction of probate courts; to provide for payment of fees to court appointed attorneys and guardians ad litem; to provide for appeal from commitment orders; and to allow quarantine of inmates suspected of being infected with designated notifiable disease.

Committee on Health.

By Senator Hilliard (With Notice and Proof):

S. 303. To amend Section 3.05 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 303, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

## REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Drinkard:

S. 104. To amend Section 35-10-26, Code of Alabama 1975, so as to provide that title passing by a mortgage will not divest until all secured obligations are paid, there is no commitment by the mortgagee to make advances, incur obligations or otherwise give value under any agreement; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide an effective date.

By Senator deGraffenried:

S. 136. To amend Section 22-6-7, Code of Alabama 1975, which authorizes the Medicaid Agency to contract with fiscal intermediaries for the purpose of receiving, processing and paying claims under the medicaid program, so as to provide further for said contracts.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried, Preuitt, Rice, Foshee, Dial, Menton, Holmes, Bailey, Campbell, Sanders, Barron, Bedford, Bedsole, Corbett, Drinkard, Covington, Dixon, Hale, Denton, Amari, Bennett, Parsons, Hand, and Smith (J) (With Amendments):

S. 139. To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Drinkard, Cabaniss, Hand, Holmes, Bailey, and Dixon:

S. 102. To further amend Section 25-5-9, Code of Alabama 1975, as amended, relating to industrial relations and labor, and employers' liabilities for qualifying as self-insurers, so as to provide further therefor, to permit pooling liabilities for reinsurance purposes.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Menton, Foshee, Denton, Holmes, and Goodwin:

S. 207. To amend §34-24-75 by deleting the provision permitting the issuance of a certificate of qualification for license to practice medicine to a commissioned officer of the medical corps of the army, navy, the air force or the public health service of the United States.

By Senators Menton, Foshee, Denton, Holmes, and Goodwin:

S. 210. To amend §34-24-360(15), Code of Alabama 1975, to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

By Senators Dixon, Cabaniss, and Drinkard:

S. 160. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by

reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Manley (With Amendment):

S. 146. Relating to the liability of physicians and osteopaths serving on hospital committees; to state the legislative intent; to provide definitions for the terms hospital, physician, health maintenance organization, professional society, hospital medical staff, and committee; to provide that any physician, osteopath or other health care provider serving on any committee of a hospital medical staff, health maintenance organization or professional society and any consultant, attorney, auxiliary personnel or employee of such committee shall not be liable to any person for any damages arising from any claim whatsoever related to or arising out of any action, investigation, report or recommendations made or taken by such committee when such action, investigation, report or recommendation was taken or made by him within the scope of his function as a member of the committee without

malice and in good faith in the reasonable belief that such action, investigation, report or recommendation was warranted by the facts known or reasonably established; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators, Dixon, Cabaniss, and Drinkard:

S. 157. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because that person is indigent.

By Senators Bedsole, Horn, and Langford:

S. 204. To amend Section 22-20-3 of the Code of Alabama 1975, so as to further provide that all susceptible infants be tested for sickle cell anemia, sickle cell trait or abnormal hemoglobin.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 38. To amend Section 8-15-7, Code of Alabama 1975, which provides for insurance and bonding requirements for public warehouses so as to allow a bond equivalent in lieu of a bond in the form of cash or government bonds; to amend §8-15-10, Code of Alabama 1975, which provides civil penalties for operating a public warehouse without being licensed, from civil penalties to a Class "B" misdemeanor.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 134. To provide for a revision of the guardianship laws of Alabama by providing: general provisions, definitions and jurisdiction of court; protection of persons under disability and their property; protection of property of persons under disability and minors; to repeal Sections 26-2-1; 26-2-20 through 26-2-25, 26-2-40 through 26-2-42, 26-2-49, 26-3-2, 26-3-6, 26-4-1 through 26-4-155, 26-5-17, 26-5-37, 26-6-1 through 26-6-6, and 26-7-1 through 26-7-5 of the Code of Alabama 1975, as amended; and to amend Sections 26-2-2, 26-2-26, 26-2-43, 26-2-45, 26-2-47, 26-2-48, 26-2-50 through 26-2-55, 26-3-1, 26-3-3 through 26-3-5, 26-3-7, 26-3-8, 26-3-10 through 26-3-14, 26-5-1, 26-5-2, 26-5-4, 26-5-5, 26-5-7 through 26-5-10, 26-5-12 through 26-5-16, 26-5-18, 26-5-30 through 26-5-36, 26-5-38, 26-5-39, 26-5-50 through 26-5-52, 26-8-1, 26-8-20 through 26-8-24, 26-8-40 through 26-8-46, 26-8-48 through 26-8-52, and 26-9-2 Code of Alabama, 1975.



By Senator Menton:

S. 61. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

By Senators Manley and Langford:

S. 141. To provide a law on deeds in lieu of foreclosure of real estate and provide definitions; set forth the effect of the transfer of the mortgagor's equity of redemption as to the rights and interest of the mortgagor; the rights and interest of the mortgagee; and the rights and interest of any person other than the mortgagor and mortgagee in the mortgaged property.

By Senator Smith (J):

S. 83. To provide for an Alabama Trade Secrets Act. To provide definitions, considerations for determining misappropriation, the remedies available for actual and threatened misappropriation and provide a two year statute of limitations.

By Senator Dixon:

S. 154. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and to provide an effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Amendment):

S. 47. To amend Section 32-6-233.1, Code of Alabama 1975, which prohibits persons not having handicapped decals from parking in places designated for the handicapped, so as to authorize municipalities to increase the fines for violations.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Menton, Bedsole, Dixon, and Hand (With Substitute):

S. 209. To amend §13A-6-21 and §13A-6-22, Code of Alabama 1975, to provide that an assault with intent to prevent peace officers from performing a lawful duty that causes physical injury to any person shall be a Class C felony.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Manley and Bedford:

S. 142. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1988. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

By Senator Smith (J):

S. 75. To amend Code of Alabama 1975, §20-2-80 to further define the crime of trafficking in illegal drugs by adding to the list of drugs for which trafficking penalties are provided; to amend Code of Alabama 1975, §20-2-80(6) to replace the provision that a second violation of §20-2-80 is subject to a life without parole sentence with a provision that violations of it are Class A felonies for purposes of Title 13A, including sentencing under the Habitual Felony Offender Act, with certain provisos; to amend Code of Alabama 1975, §20-2-81(a) to further define the restriction on early, conditional, or temporary release of anyone convicted of violating §20-2-80; to amend Code of Alabama 1975, §20-2-81(b) to further define and restrict the circumstances in which the sentence of someone convicted of violating §20-2-80 may be reduced or suspended in return for assistance rendered law enforcement; to provide for incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal any conflicting laws or parts of laws; to specify the conduct to which this act applies; to provide for severability; and to provide an effective date.

By Senator Dixon:

S. 159. To amend Section 13A-7-23.1 of the Code of Alabama, 1975 relating to criminal offenses involving desecration of tombs and gravestones, so as to provide further for such offenses.

By Senators Cabaniss, Hand, Smith (B), Dixon, Ellis, and Manley:

S. 126. To amend Sections 13A-7-5 and 13A-7-6, Code of Alabama 1975, which provide for burglary in the first and second degree, so as to provide that home burglary is classified as burglary in the first degree.

By Senators Dixon, Hand, and Bedsole:

S. 161. To amend Section 32-5A-191 of the Code of Alabama 1975, which relates to the offense of driving under the influence of alcohol or controlled substances (DUI) and the penalties therefor, so as to require all persons convicted of violating said Section 32-5A-191 or a municipal ordinance prohibiting operation or actual physical control of a vehicle while

under the influence of alcohol or controlled substances, to attend and complete a DUI court referral program certified or approved by the State Administrative Office of Courts; and to provide that completion of such program shall be in addition to the punishments and sanctions now provided by Section 32-5A-191 of the Code of Alabama 1975.

By Senator Manley:

S. 143. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. To apply only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1988.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 43. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional nondeductible contributions.

By Senator Langford:

S. 44. To amend Sections 41-16-54 and 41-16-55, Code of Alabama 1975, as amended, by changing the figure "\$2,000.00" wherever same appears to the figure "\$3,000.00" to conform to Section 41-16-50 Code of Alabama 1975, as heretofore amended.

By Senator Manley:

S. 52. To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; to provide procedures for filling a vacancy in the office of the mayor in any such municipality; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

By Senator Manley:

S. 53. To amend Sections 11-46-21, 11-46-22, 11-46-24, 11-46-25, 11-46-26, 11-46-27, 11-46-36, 11-46-40, 11-46-51, and 11-43-2, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having mayor-council form of government and to establish dates and other procedures required in connection with such elections.

By Senator Manley:

S. 54. To amend Sections 11-46-92, 11-46-93, 11-46-96, 11-46-97, 11-46-98, 11-46-107, 11-46-111, and 11-46-122, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having commission form of government and to establish dates and other procedures required in connection with such elections.

By Senator Denton:

S. 71. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of at least one-half of his accrued sick leave.

By Senators Ellis, Denton, Hand, Bedsole, and Cabaniss:

S. 114. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other high-ways; to provide for sidewalk improvements; to provide for the assessment of costs of improvements against railroads; to provide for the preparation of a list of owners and parcels to be assessed; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such

liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective or is an incorrect amount; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any such county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of tenant in common for division of assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of assessment; to provide for the effect of reduction upon assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended,

relating to the issuance of warrants by counties so as to provide for the pledge of assessments against such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws and to establish the effective date of this Act.

By Senators Ellis, Denton, Hand, Bedsole, and Cabaniss:

S. 117. To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

The above Bill was read a second time at length as required by the Constitution.

By Senators Bailey and Drinkard:

S. 178. To amend Sections 16-25-11 and 36-27-11, Code of Alabama 1975, relating to the teachers' retirement system and the employees' retirement system, respectively, so as to provide further for the number of years of contributing membership service a member of such retirement systems shall complete before being allowed to restore previous creditable service with either such retirement system.

By Senator Hand:

S. 193. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Senator Bishop, Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Foshee, Bedford, Bedsole, Goodwin, deGraffenried, Drinkard, Menton, Corbett, Bishop, Hand, Rice, Horn, Bennett, Cabaniss, Denton, Hale, Campbell, Langford, Figures, Smith (B), Sanders, Hilliard, Dixon, Barron, Preuitt, and Ellis:

S. 188. To amend Section 8-17-82, Code of Alabama 1975, which relates to the labeling requirements for certain containers of certain petroleum products so as to provide further for the labeling of containers and pumps from which certain petroleum products are sold or dispensed.

By Senators Foshee, Bedford, Goodwin, Drinkard, Menton, Corbett, Bishop, Hand, Rice, Horn, Bennett, Cabaniss, Denton, Hale, Campbell, Langford, Figures, Smith (B), Barron, Sanders, Hilliard, Dixon, Preuitt, and Ellis:

S. 189. To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bailey, Parsons, Corbett, and Smith (J):

S. 176. To amend Sections 25-8-4, 25-8-8, and 25-8-16, Code of Alabama 1975, so as to bring Alabama's Child Labor statutes into agreement with existing Federal regulations pertaining to working hours of children under age sixteen and establishes additional specific working hours for certain children enrolled in school and also provides for exemptions to established work hours.

By Senators Manley, Cabaniss, Hand, Amari, and Bedsole:

S. 145. To amend Section 16-1-1, Code of Alabama 1975, which provides for the definition of fiscal year for educational purposes, so as to change the dates of said fiscal year; to amend Section 16-13-145, which provides for the authority of local boards of education to borrow funds against revenues of the current year, so as to provide further for said authority; to change the fiscal year of the Alabama Institute for Deaf and Blind and the Youth Services Department District; to authorize the Governor to devise a plan to implement the provisions of this act; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama.

By Senator Bailey:

S. 179. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the boards of education.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bennett, Dial, Horn, Amari, Cabaniss, Figures, Campbell, Goodwin, Bailey, and Hand (With Substitute):

S. 131. To amend Section 16-10-1, Code of Alabama 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Ellis, Dial, Manley, and Hand:

S. 118. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

By Senators Bedsole, Hand, Dial, and Amari:

S. 202. To permit local boards of education and the Alabama Institute for Deaf and Blind to use a part of their kindergarten teacher unit funds

under certain conditions to employ teacher aides to assist with the kindergarten instructional program based upon criteria established by the state superintendent of education and with his prior approval.

By Senators Manley, Dial, and Rice:

S. 144. To amend Section 40-17-31 (a) and Section 40-17-171, Code of Alabama 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and Department of Youth Services School District shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171, Code of Alabama 1975.

By Senators Bedsole, Hand, and Manley:

S. 198. To amend Section 16-4-15 of the Code of Alabama 1975, to permit the state superintendent of education to delay the taking of a school census for a period of 10 years.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial, Manley, Rice, Hand, Foshee, Barron, Hale, Covington, Campbell, Ellis, Dixon, Preuitt, Bailey, Smith (B), Drinkard, and Amari (With Substitute):

S. 112. To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 115. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

The above Bill was read a second time at length as required by the Constitution.

By Senator Ellis:

S. 116. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

The above Bill was read a second time at length as required by the Constitution.

### ADJOURNMENT

At 8 o'clock P.M., on motion of Senator deGraffenried, the Senate adjourned until Thursday, April 30, 1987, at 11 o'clock A.M.



**FOURTH LEGISLATIVE DAY  
THURSDAY, APRIL 30, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

**PRAYER**

The Session was opened with prayer by Mr. Buddy Borland, Associate Minister, Landmark Church of Christ, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Karin Kiligian, Robert E. Lee High School, Montgomery, Alabama.

**ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Horn     | Smith (B) |
| Bishop    | Drinkard      | Langford | Smith (J) |
| Cabaniss  | Ellis         |          |           |

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**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Holmes for today.

**POINT OF PERSONAL PRIVILEGE**

Senator Corbett requested that the Journal reflect that he asked that House bills on first reading be read at length, under the provisions of Senate Rules 32 and 36.

The President and Presiding Officer of the Senate ruled that Senate Rules 32 and 36 are not applicable to reading at length, and that Senator Corbett would have to ask individually for bills on first reading to be read at length.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 31. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, April 29, 1987, we adjourn to meet again on Tuesday, May 5, 1987.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 31, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 25. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the

civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### REQUEST FOR BILL TO BE READ AT LENGTH

Senator Corbett moved that the Bill, H. B. 25, set out in the foregoing Message from the House, be read at length.

Senator Barron offered a substitute motion that the Bill, H. B. 25, not be read at length, which motion was adopted.

Yeas 26; Nays 4.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Bishop        | Drinkard | Manley    |
| Amari     | Campbell      | Ellis    | Menton    |
| Bailey    | Covington     | Foshee   | Preuitt   |
| Barron    | deGraffenried | Goodwin  | Rice      |
| Bedford   | Denton        | Hale     | Smith (B) |
| Bedsole   | Dial          | Hand     | Smith (J) |
| Bennett   | Dixon         | Horn     |           |

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*Nays:*

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Figures | Hilliard | Sanders |
| Corbett   |         |          |         |

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### OBJECTION FILED

Senator Corbett filed the following objection, to-wit:

### OBJECTION TO FAILURE TO READ H. B. 25 AT LENGTH

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 25 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 25—to the Standing Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Clark (J), Higginbotham, Flowers, McMillan, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird,

Blakeney, Hooper, White (L), Layson, Turnham, Harper, Wright, Hall, Starkey, Hettinger, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Penry, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, Box, and Newman:

H. 23. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, and periodic payment; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pencuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income

disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor against it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date that the alleged professional breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he

is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that an attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damages against a health care provider based upon a breach of the standard of care in excess of specified limits and to provide that the limitations shall apply regardless of whether recovery is by settlement, arbitration or judgment or whether the person for whom the recovery is made is a responsible adult, an infant or a person of unsound mind and to provide that if periodic payments are made to the plaintiff the Court shall place a total value of such payments based upon the projected life expectancy of the plaintiff and shall include this amount in computing the total award from which attorney's fees are calculated under this section and to provide for the definition of the term "recovered"; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 23—to the Standing Committee on Judiciary

### MOTION IN WRITING

Senator Figures offered the following Motion in Writing, to-wit:

"House Bill 23 should not be received by the Senate on the grounds that it was not read at length upon its third reading in the House of Representatives on April 28, 1987. Even though such reading was requested by Rep. Alvin Holmes prior to the vote on final passage in the House. The Bill, House Bill 23, should be returned to the House to correct this constitutional violation."

The President and Presiding Officer of the Senate ruled that Senator Figures' Motion in Writing was out of order because the Bill, H. B. 23, having been assigned, was in the breast of the Committee on Judiciary.

Senator Figures then asked that the Journal reflect the President and Presiding Officer's ruling.

**OBJECTION FILED**

Senator Corbett filed the following objection, to-wit:

**OBJECTION TO FAILURE TO READ H. B. 23 AT LENGTH**

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 23 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Flowers, Clark (J), Carothers, Higginbotham, McMillan, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 28. Relating to the admissibility of certain evidence in civil actions for personal injury or property damage; to provide that in all civil actions for personal injury or property damage, evidence relating to reimbursement or payment of plaintiff's damages allegedly incurred as a result of the acts or omissions complained of shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that the plaintiff's obligation to repay the reimbursor shall be admissible; to provide that in all such civil actions evidence of the tax implications to the plaintiff of any damage award shall be admissible; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and, to provide for an effective date of this Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 28—to the Standing Committee on Judiciary

**OBJECTION FILED**

Senator Corbett filed the following objection, to-wit:

**OBJECTION TO FAILURE TO READ H. B. 28 AT LENGTH**

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 28 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Hooper, Higginbotham, Clark (J), Johnson (RG), Flowers, Carothers, McMillan, Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman.

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and to provide the manner in which this bill becomes law.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I hereby request that the next bill preceding this motion in writing, H. B. 29, be read at length as required under Section 63, Article IV, Constitution of Alabama 1901.

Due to the President of the Senate's prior ruling that Section 63, Article IV, Constitution of Alabama 1901, does not require the bill to be read in



full, I hereby request that the question be called for under Rule 25. And further, let this motion be spread across the Journal of the Senate, as a point of personal privilege.

On motion of Senator deGraffenried, said Motion in Writing was laid on the table.

Yeas 21; Nays 4.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Foshee | Menton    |
| Amari     | Denton        | Hale   | Preuitt   |
| Bailey    | Dial          | Hand   | Rice      |
| Barron    | Dixon         | Horn   | Smith (B) |
| Bedsole   | Drinkard      | Manley | Smith (J) |
| Bishop    | Ellis         |        |           |

—21

*Nays:*

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Goodwin | Hilliard | Parsons |
| Corbett   |         |          |         |

—4

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 29—to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Higginbotham, Clark (J), Carothers, Flowers, McMillan, Carter, Johnson (RG), Biddle, Zoghby, Grouby, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. B. 30. To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits or claims filed after its effective date and also to suits or claims filed prior to its effective date and which are not dismissed within 60 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I hereby request that the next bill preceding this motion in writing, H. B. 30, be read at length as required under Section 63, Article IV, Constitution of Alabama 1901.

Due to the President of the Senate's prior ruling that Section 63, Article IV, Constitution of Alabama 1901, does not require the bill to be read in full, I hereby request that the question be called for under Rule 25. And further, let this motion be spread across the Journal of the Senate, as a point of personal privilege.

On motion of Senator Ellis, said Motion in Writing was laid on the table.

Yeas 22; Nays 3.

#### Yeas:

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Bishop        | Ellis   | Menton    |     |
| Amari     | deGraffenried | Foshee  | Preuitt   |     |
| Bailey    | Denton        | Goodwin | Rice      |     |
| Barron    | Dial          | Hand    | Smith (B) |     |
| Bedford   | Dixon         | Horn    | Smith (J) |     |
| Bedsole   | Drinkard      | Manley  |           | —22 |

#### Nays:

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Hilliard | Parsons | —3 |
|-----------|---------|----------|---------|----|

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 30—to the Standing Committee on Judiciary

### OBJECTION FILED

Senator Corbett filed the following objection, to-wit:

### OBJECTION TO FAILURE TO READ H. B. 30 AT LENGTH

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 30 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, Box, and Newman:

H. B. 26. To amend Code of Alabama 1975, as amended, §6-5-430, relating to the enforcement of claims originating outside this state to include claims under the common law and statutes of the United States; to provide for the application of the doctrine forum non conveniens; and to provide for dismissal of any such action where a more appropriate forum exists outside this state; and to provide for the conditioning of such dismissal on certain consents by the defendant.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I hereby request that the next bill preceding this motion in writing, H. B. 26, be read at length as required under Section 63, Article IV, Constitution of Alabama 1901.

Due to the President of the Senate's prior ruling that Section 63, Article IV, Constitution of Alabama 1901, does not require the bill to be read in full, I hereby request that the question be called for under Rule 25. And further, let this motion be spread across the Journal of the Senate, as a point of personal privilege.

On motion of Senator deGraffenried, said Motion in Writing was laid on the table.

Yeas 20; Nays 3.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Bishop        | Ellis   | Manley    |
| Amari     | deGraffenried | Goodwin | Menton    |
| Bailey    | Denton        | Hale    | Preuitt   |
| Barron    | Dixon         | Hand    | Smith (B) |
| Bedford   | Drinkard      | Horn    | Smith (J) |
| Bedsole   |               |         |           |

—20

Nays:

|           |         |         |          |    |
|-----------|---------|---------|----------|----|
| Senators: | Corbett | Figures | Hilliard | —3 |
|-----------|---------|---------|----------|----|

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 26—to the Standing Committee on Judiciary

**OBJECTION FILED**

Senator Corbett filed the following objection, to-wit:

**OBJECTION TO FAILURE TO READ H. B. 26 AT LENGTH**

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 26 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Higginbotham, Clark (J), Carothers, Flowers, McMillan, Carter, Johnson (RG), Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Knight, Turner, Penry, Reed, Freeman, Walker, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. B. 27. Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, liability for punitive damages as defined within this Act must be proved by the overwhelming weight of the clear and convincing evidence and the amount of such damages shall not exceed the amount of any damages assessed against the defendant other than punitive damages or \$100,000, whichever is less; to provide that, in tort cases arising out of a contract, punitive damages shall only be awarded when the plaintiff is entitled to recover on the contract claim as a matter of law; to provide that this Act does not create a cause of action or right to recover punitive damages; to provide for definitions of certain terms used in this Act; to provide that a principal shall not be liable for punitive damages based on the acts or omissions of an agent unless the principal had advance knowledge of unfitness of the agent and employed him with conscious disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill become law.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I hereby request that the next bill preceding this motion in writing, H. B. 27, be read at length as required under Section 63, Article IV, Constitution of Alabama 1901.

Due to the President of the Senate's prior ruling that Section 63, Article IV, Constitution of Alabama 1901, does not require the bill to be read in full, I hereby request that the question be called for under Rule 25. And further, let this motion be spread across the Journal of the Senate, as a point of personal privilege.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 20; Nays 4.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | deGraffenried | Ellis   | Horn      |
| Amari     | Denton        | Foshee  | Manley    |
| Bailey    | Dial          | Goodwin | Menton    |
| Barron    | Dixon         | Hale    | Preuitt   |
| Bedsole   | Drinkard      | Hand    | Smith (B) |
| Bishop    |               |         |           |

—20

*Nays:*

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Figures | Hilliard | Sanders |
| Corbett   |         |          |         |

—4

**OBJECTION FILED**

Senator Corbett filed the following objection, to-wit:

**OBJECTION TO FAILURE TO READ H. B. 27 AT LENGTH**

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 27 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 27—to the Standing Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 81. Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and future damages assessed against that defendant, but that, upon motion of the defendant, the judgment for future damages must be structured over a period not to exceed 15 years so long as the court receives adequate assurance that the defendant can and will make all required payments and so long as the court does not determine that the structure would be manifestly unjust under the circumstances of the case; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or effects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I hereby request that the next bill preceding this motion in writing, H. B. 81, be read at length as required under Section 63, Article IV, Constitution of Alabama 1901.

Due to the President of the Senate's prior ruling that Section 63, Article IV, Constitution of Alabama 1901, does not require the bill to be read in full, I hereby request that the question be called for under Rule 25. And further, let this motion be spread across the Journal of the Senate, as a point of personal privilege.

On motion of Senator deGraffenried, said Motion in Writing was laid on the table.

Yeas 21; Nays 5.

*Yeas:*

|           |           |         |           |
|-----------|-----------|---------|-----------|
| Senators: | Campbell  | Ellis   | Manley    |
| Amari     | Covington | Goodwin | Menton    |
| Bailey    | Denton    | Hale    | Preuitt   |
| Barron    | Dial      | Hand    | Rice      |
| Bedsole   | Dixon     | Horn    | Smith (B) |
| Bishop    | Drinkard  |         |           |

—21

*Nays:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Figures  | Parsons | Sanders |
| Corbett   | Hilliard |         |         |

—5

### OBJECTION FILED

Senator Corbett filed the following objection, to-wit:

#### OBJECTION TO FAILURE TO READ H. B. 81 AT LENGTH

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 81 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 81—to the Standing Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 82. Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court must also enter judgment against the obligors in the amount of the alternate value of the property as fixed by the trial court below and the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective

date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I hereby request that the next bill preceding this motion in writing, H. B. 82, be read at length as required under Section 63, Article IV, Constitution of Alabama 1901.

Due to the President of the Senate's prior ruling that Section 63, Article IV, Constitution of Alabama 1901, does not require the bill to be read in full, I hereby request that the question be called for under Rule 25. And further, let this motion be spread across the Journal of the Senate, as a point of personal privilege.

On motion of Senator Manley, said Motion in Writing was laid on the table.

Yeas 21; Nays 4.

Yeas:

|           |               |         |         |
|-----------|---------------|---------|---------|
| Senators: | Campbell      | Ellis   | Horn    |
| Amari     | deGraffenried | Foshee  | Manley  |
| Bailey    | Denton        | Goodwin | Menton  |
| Barron    | Dial          | Hale    | Preuitt |
| Bedsole   | Dixon         | Hand    | Rice    |
| Bishop    | Drinkard      |         |         |

—21

Nays:

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Hilliard | Parsons | Sanders |
| Corbett   |          |         |         |

—4

### OBJECTION FILED

Senator Corbett filed the following objection, to-wit:

### OBJECTION TO FAILURE TO READ H. B. 82 AT LENGTH

Objection is hereby made to the failure of the Senate to require the reading at length of H. B. 82 as required under Section 63, Article IV, Constitution of Alabama 1901.

Further, as a point of personal privilege, let this objection be spread across the Journal of the Senate this 30th day of April, 1987.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 82—to the Standing Committee on Judiciary



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 24. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and amending the said Section 232 so as to delete the present provision in said Section 232 regarding suits against foreign corporations and providing that any foreign corporation, whether or not such foreign corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 24—to the Standing Committee on Judiciary

(The above Bill, H. B. 24, was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Johnson (RW) (With Notice and Proof):

H. 90. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 90, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Johnson (RW) (With Notice and Proof):

H. 91. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 91, as required in the General Acts of Alabama, 1975, Act No. 919

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 90 and 91—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. White (L) (With Notice and Proof):

H. 41. Relating to Tallapoosa County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 41, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 42. Relating to Tallapoosa County; providing for the county commission to reimburse the office of tax collector for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the tax collector may charge a fee for invalid checks.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 42, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

H. 43. Relating to the twenty-second judicial circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary; allowing certain court employees to be present during certain portions of grand jury sessions.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 43, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

H. 45. Relating to the twenty-second judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 45, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 50. Providing the county governing body of Tallapoosa County to propose an additional four mills ad valorem tax on each dollar of taxable property, at a referendum called for the purpose of such levy, pursuant to Amendment No. 373 to the Constitution of 1901, as amended; prescribing the referendum procedure, the manner of collecting the net revenues from such additional ad valorem taxes; and providing the effective date.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 50, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 41, 42, 43, 45, and 50—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. White (L) (With Notice and Proof):

H. 51. Relating to Tallapoosa County; levying an additional ad valorem tax in the county with proceeds therefrom to be deposited in the county general fund to be expended for certain fire protection purposes upon referendum approval of such levy by the qualified electors of the county and prescribing certain criteria for eligibility to receive funding from the proceeds of such additional ad valorem taxes.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 51, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 52. Relating to Tallapoosa County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 52, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 55. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and

**REGULAR SESSION  
4th Day**

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ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Tallapoosa County; to prohibit the performance of certain work on private property and provide civil fines for violations; providing for an advisory referendum election called for such purpose; and providing for an effective date.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 55, as required in the General Acts of Alabama, 1975, Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

Also:

By Rep. McKee (With Notice and Proof):

H. 83. To amend Sections 3.02 and 4.02 of Act 618, H. 796, 1973 Regular Session of the Alabama Legislature (Acts 1973, p. 879, et seq.) as amended, relating to the Mayor-Council form of government in certain cities classified on a population basis, so as to provide further for certain procedures relating to declaring candidacy for certain offices in the City of Montgomery in Montgomery County, Alabama, and to provide for retroactive effect to April 1, 1987.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 83, as required in the General Acts of Alabama, 1975, Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

*JOHN W. PEMBERTON,*  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 51, 52, 55, and 83—to the Committee on Local Legislation No. 1

**REPORT OF THE JUDICIAL COMPENSATION COMMISSION  
TO THE 1987 REGULAR SESSION OF THE ALABAMA  
LEGISLATURE**

The State Judicial Compensation Commission hereby files its report to the 1987 Regular Session of the Legislature of the State of Alabama.

The Commission has met and considered the matter of recommending the salary to be paid from the state treasury for all judges except probate and municipal judges.

The Commission notes that the most recent salary adjustment for circuit judges and state employees was on October 1, 1984, the effective date of the

last cost-of-living raise. Since that date the salary paid by the state to circuit judges has remained at \$52,800.

Accordingly, it is recommended to the legislature that the salaries of justices and judges of the appellate and district courts to be paid from the state treasury be fixed as heretofore designated by law; and that the salaries of the circuit court judges to be paid from the state treasury be fixed as follows:

Circuit Court Judges —\$52,800 plus whatever percentage increase or upward pay adjustment is provided to state employees generally at the 1987 regular session of the Legislature of the State of Alabama. This salary shall become effective on October 1, 1987.

ADOPTED by the affirmative vote of the below named five members of the State Judicial Compensation Commission on this 19th day of November, 1986.

J. CLEWIS TRUCKS,  
Chairman.

BROOX G. GARRETT  
CHARLES R. ADAIR, JR.  
SYLVESTER JONES  
FINIS E. ST. JOHN, IV

Filed with the Secretary of the Alabama Senate, April 22, 1987.

AMELIA D. LAWLEY,  
Chief Clerk.

#### JUDICIAL COMPENSATION COMMISSION REPORT

The foregoing report of the Judicial Compensation Commission was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Athletic Commission.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Athletic Commission:

Mr. Keith Wilson of Huntsville, replacing Mr. Don McCoy, for the term expiring on May 24, 1990.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Athletic Commission, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Athletic Commission.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Athletic Commission:

Mrs. Judy Hooper of Montgomery, replacing Mr. Larry Campbell, for the term expiring on May 24, 1990.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Athletic Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Athletic Commission.

Respectively submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Athletic Commission:

Mr. Jeffrey B. Reeves of Mobile, replacing Mr. Bob Williams, for the term expiring on May 24, 1990.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Athletic Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.



**REGULAR SESSION**  
**4th Day**

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To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Agricultural and Mechanical University:

Mr. Franklin Perry of Montgomery, representing the State at large, for the term expiring on January 31, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Agricultural and Mechanical University:

Mr. Chris McNair of Birmingham, representing the 6th Congressional District, for the term expiring on January 31, 1992.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary,

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Agricultural and Mechanical University:

Mr. Wayman Sherrer of Oneonta, representing the 4th Congressional District, for the term expiring on January 31, 1992.

Respectfully submitted,  
Guy Hunt,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Agricultural and Mechanical University:

Mr. George Miller of Falkville, representing the 5th Congressional District, for the term expiring on January 31, 1992.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Agricultural and Mechanical University:

Mr. Kervin Jones of Greensboro, representing the 7th Congressional District, for the term expiring on January 31, 1992.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama  
Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Institute for the Deaf and Blind.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama  
Gentlemen:

I have appointed subject to your confirmation, the following person to the Alabama Institute for the Deaf and Blind:

Mayor Jay Jackson of Eufaula, replacing Judge Rufus Huffman, for the term expiring on November 28, 1992.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama  
Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Institute for the Deaf and Blind.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama  
Gentlemen:

I have appointed subject to your confirmation, the following person to the Alabama Institute for the Deaf and Blind:

Mr. Ralph Gaines of Talladega, replacing George M. Limbaugh, for the term expiring on November 28, 1992.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Institute for the Deaf and Blind.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Institute for the Deaf and Blind:

Mr. John Peavy of Mobile, replacing Mr. Robert Lager, for the term expiring on November 28, 1992.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Institute for the Deaf and Blind.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Institute for the Deaf and Blind:

Mr. Calvin Wooten of Anniston (reappointment), for the term expiring on November 28, 1992.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Auburn University Board of Trustees:

Bessie Mae Holloway of Prichard, replacing John Pace, III, for the term expiring in January, 1999.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Auburn University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Auburn University Board of Trustees:

William James Samford, Jr., of Auburn, replacing The Honorable Henry B. Steagall, II, for the term expiring in January, 1999.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Auburn University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Auburn University Board of Trustees:

Emory Cunningham of Birmingham (reappointment), for the term expiring in January, 1999.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Auburn University, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Auburn University Board of Trustees:

John Denson of Opelika (reappointment), for the term expiring in January, 1999.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.



**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Auburn University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Real Estate Commission:

Mr. James Bagwell of Birmingham, for the term expiring on September 30, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Real Estate Commission:

Mrs. Martha B. Harlan of Auburn, Alabama, for the term expiring on September 30, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Richard Moss of Florence, Alabama, to the University of North Alabama Board of Trustees, for the term expiring on 9-9-95.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of North Alabama, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Examiners of Landscape Architects.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Frederick J. Rux of Mobile, Alabama, to the Board of Examiners of Landscape Architects, replacing Terry C. Planche, for the term expiring on 1-3-90.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Aaron Aronov of Montgomery, Alabama, to the Alabama Heritage Trust Fund, for the term expiring on October 1, 1992.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Crime Victims' Compensation Commission.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Teresa Petelos of Birmingham, Alabama, to the Crime Victims' Compensation Commission, replacing Mr. Wilby Wallace, for the term expiring on 6-1-90.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Crime Victims Compensation Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the University of Montevallo Board of Trustees:

Mr. A. L. Munford of Anniston, replacing Ruth Spencer, for the term expiring on 1-19-99.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of Montevallo, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the University of Montevallo Board of Trustees:

Mr. Al Knight of Alabaster, replacing Neal Shirley, for the term expiring on 1-19-99.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of Montevallo, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the University of Montevallo Board of Trustees:

Mr. William F. Denson, III of Birmingham, replacing Dr. Paul Salter, Jr., for the term expiring on 1-19-99.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of Montevallo, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the University of Montevallo Board of Trustees:

Mr. Theodore Farr of Birmingham, replacing Mr. Allen Baker, for the term expiring on 1-19-99.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of Montevallo, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Winton M. Blount of Montgomery, Alabama, to the Alabama Trust Fund Board of Trustees, for the term expiring on October 1, 1992.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Alabama Trust Fund, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Forestry Commission.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Forestry Commission:

Mr. John Goodson of Brent, Alabama, replacing Mr. Kelly Sistrunk, for the term expiring on November 5, 1991.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Forestry Commission, was read and referred to the Standing Committee on Rules.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Forestry Commission.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Forestry Commission:

Mr. Claude Swift of Monroeville, Alabama, replacing Mr. Scott Langley, for the term expiring on November 5, 1991.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Forestry Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Banking Board.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Banking Board:

Mr. W. R. Collins of Huntsville, replacing Mr. Jim Green, for the term expiring on February 1, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Banking Board, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Banking Board.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alabama Banking Board:

Mr. James R. Jones of Flomaton, replacing Mr. John Gittings, for the term expiring on February 1, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Banking Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Appeals for the Alabama Department of Industrial Relations.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. William D. "Buddy" Wise of Birmingham, Alabama, to the Board of Appeals for the Alabama Department of Industrial Relations, replacing Mr. Joe Roper, for the term expiring on 3-28-93.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Appeals, Alabama Department of Industrial Relations, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alcoholic Beverage Control Board:

Mr. Don Martin of Montgomery, for the term expiring in January, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alcoholic Beverage Control Board:

Ms. Audrey C. Wright of Montgomery, for the term expiring in January, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following person to the Alcoholic Beverage Control Board:

Mr. Frank Buckner of Springville, for the term expiring in January, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Superintendent of Banking.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Zack Thompson of Huntsville, Alabama, as the Superintendent of Banking.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to his appointment of the Superintendent of Banking, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Director of the Alabama State Docks.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. John B. Dutton of Mobile, Alabama, as the Director of the Alabama State Docks.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to his appointment of the Director of the Alabama State Docks, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Reed (With Notice and Proof):

H. 218. Relating to Bullock County; to authorize the Bullock County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such county not to exceed three cents (3 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Bullock County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commission of such county for the collection of said taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 218, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Hall and Richardson (With Notice and Proof):

H. 228. Relating to Jackson County; to create a motor vehicle license and title division within the Revenue Commissioner's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses and titles by the Revenue Commissioner's office; to transfer certain duties now performed by the Probate Judge to said Revenue Commissioner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 228, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Hall and Richardson (With Notice and Proof):

H. 232. Relating to Jackson County; to amend Section 2 of Act No. 86-469, H. 248 of the 1986 Regular Session (Acts 1986, p. 853), relating to selling and redeeming lands for taxes, so as to change the term "revenue commission" to "revenue commissioner."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 232, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 218, 228, and 232—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey and Goodwin (With Notice and Proof):

H. 185. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 185, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 185—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gaston:

H. J. R. 64. COMMENDING STACEY WOODALL OF MOBILE, ALABAMA, FOR OUTSTANDING CITIZENSHIP.

Also:

By Reps. Hettinger, Freeman, Hall, Butler, Grayson and Brooks:

H. J. R. 65. COMMENDING DR. MAW-KUEN WU, ASSISTANT PROFESSOR AND RESEARCH PHYSICIST AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

By Reps. Hettinger, Hall, Brooks, Freeman, Grayson and Butler:

H. J. R. 66. MOURNING THE DEATH OF JOHN E. HATCH OF HUNTSVILLE, ALABAMA.



Also:

By Rep. Breedlove:

H. J. R. 71. NAMING WASHINGTON COUNTY HIGHWAY 1, THE  
"S. RAY COAKER HIGHWAY."

Also:

By Reps. Blakeney and Breedlove:

H. J. R. 72. NAMING THE BRIDGE AT ALABAMA HIGHWAY 178  
IN THE TOWN OF FULTON, CLARKE COUNTY, ALABAMA, THE  
"JACK L. DOZIER BRIDGE."

Also:

By Rep. Harvey:

H. J. R. 73. CONGRATULATING THE APPALACHIAN HIGH  
SCHOOL "BLUE PRIDE" EAGLES ON THEIR OUTSTANDING 1986  
FOOTBALL SEASON.

Also:

By Rep. Harvey:

H. J. R. 74. CONGRATULATING COACH SHARON STANDRIDGE  
AND HER ONEONTA HIGH SCHOOL GIRLS' VOLLEYBALL TEAM  
ON THEIR OUTSTANDING 1986-1987 SEASON AND HIGH STATE  
RANKING.

Also:

By Rep. Harvey:

H. J. R. 75. CONGRATULATING THE ONEONTA HIGH SCHOOL  
REDSKINS ON THEIR OUTSTANDING FOOTBALL SEASON.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 64, 65, 66, 71, 72, 73, 74, and 75, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Thomas:

H. J. R. 101. COMMENDING ROSE MARY SANDERS OF SELMA,  
ALABAMA, FOR DISTINGUISHED ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 101, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White (F), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby:

**H. J. R. 94. SUPPORT OF FLORIDA-ESCAMBIA COMMISSION.**

WHEREAS, the Florida-Escambia County Commission with the seat of county government being located in Pensacola has passed a resolution to secede from the State of Florida; and

WHEREAS, its fine citizens and industrial base, and the military installations located therein would be a great asset to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would with open arms welcome the fine citizens of this County to this State. We further recommend that Governor Guy Hunt utilize the full resources of his office to assist them in any manner that would help them achieve this goal.

BE IT FURTHER RESOLVED, that the Florida-Escambia County Commission be provided a copy of this resolution.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Bedsole, the Rules were suspended and the Resolution, H. J. R. 94, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Reed:

**H. J. R. 60. WELCOMING PRESIDENT RONALD REAGAN TO ALABAMA AND TO THE TUSKEGEE UNIVERSITY CAMPUS.**

WHEREAS, it is with great pleasure and in warm cordiality that the Alabama Legislature welcomes President Ronald Reagan to the State of Alabama, the City of Tuskegee and, most particularly, to Tuskegee University for the purpose of delivering the 1987 Commencement Address; and

WHEREAS, also during this visit to the Tuskegee campus, President Reagan will participate in ceremonies dedicating the "General Daniel 'Chappie' James Center for Aerospace Science and Health Education" built in honor and memory of the late General James who was an illustrious Tuskegee graduate and our nation's first Black Air Force four-star general; and

WHEREAS, it is further to be noted that this impressive facility was in large part funded by a federal grant in the amount of \$9 million obtained during President Reagan's administration; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby extend to President Ronald Reagan a most cordial welcome to Tuskegee University and the State of Alabama, and direct that he receive a copy of this resolution, executed in gratitude for his continuing interest and concern for the affairs of our state and in the progress and well-being of Tuskegee University.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 60, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Williams, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marie ta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels Slaughter,

Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright, and Zoghby:

H. J. R. 100. COMMENDING HOMER NEAL LEWIS FOR OUTSTANDING SERVICE TO FFA AND TO AGRIBUSINESS IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, H. J. R. 100, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 69. COMMENDING HOYT TRAMMELL OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

By Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson,

Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 70. COMMENDING HUGH BOLES OF HUEYTOWN, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolutions, H. J. R.'s 69 and 70, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Burke, Laird, Butler, Junkins, Campbell, Hettinger, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 52. CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A SON.

Also:

By Reps. Campbell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 98. WISHING OUR FRIEND AND FORMER COLLEAGUE, JOE McCORQUODALE OF JACKSON, A SPEEDY AND COMPLETE RECOVERY.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Dial, the Rules were suspended and the Resolutions, H. J. R.'s 52 and 98, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Black:

H. J. R. 15. COMMENDING THE LIVINGSTON HIGH SCHOOL LADY COUGARS ON THEIR 1987 STATE BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Black:

H. J. R. 16. COMMENDING THE LIVINGSTON HIGH SCHOOL COUGARS, CLASS 4A STATE BASKETBALL CHAMPIONS.

Also:

By Rep. Hammett:

H. J. R. 17. DESIGNATING THE ALABAMA PECAN FESTIVAL AS ALABAMA'S OFFICIAL STATE PECAN FESTIVAL.

Also:

By Reps. Starkey, Coburn, Goodwin, and Hamilton:

H. J. R. 18. COMMENDING NICHOLAS R. CRISLER OF FLORENCE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Dial, the Rules were suspended and the Resolutions, H. J. R.'s 15, 16, 17, and 18, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**RESOLUTIONS**

Senators Dial, Menton, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 21. COMMENDING PATTY TERRY FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Which was filed.

Senators Menton and Hand offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. COMMENDING JAMES W. STALLINGS ON HIS DISTINGUISHED TENURE WITH THE STATE DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, Trooper Captain James W. Stallings retired April 1, 1987, from the Department of Public Safety after a distinguished career of public service spanning more than 27 years; and

WHEREAS, his record of service began with assignment as an Alabama Highway Patrolman and concluded with 14 years as commander of the Mobile Highway Patrol District; and

WHEREAS, his concern for the welfare of Alabama's citizens was demonstrated in the able and diligent performance of his duties and through extensive community involvement; and

WHEREAS, Captain Stallings always gave generously of his capabilities to public safety and the people of Alabama, showing an outstanding ability and willingness to adapt to many difficult situations throughout his term of service; and

WHEREAS, the efficiency and professionalism demonstrated in the fulfillment of the demanding requirements of his position earned him the respect of his fellow law enforcement officers, as well as many others in the public and private sectors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express sincere appreciation and best wishes to Captain James W. Stallings, on the occasion of his retirement from active public service, for excellent leadership and enthusiastic devotion to his duties as a law enforcement officer, which have effected a notable contribution to the safety and well being of Alabama's citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Captain Stallings that he may know of our high praise of his performance as a dedicated public servant.

On motion of Senator Menton, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Williams:

H. J. R. 6. EXPRESSING APPRECIATION TO MS. SALLY ANN SUTTON, MR. DAN STEVENS AND THE MIDLAND DOWNTOWN BUSINESSMEN'S ASSOCIATION OF MIDLAND, MICHIGAN.

Also:

By Reps. Penry and McMillan:

H. J. R. 7. NOTING, WITH COMMENDATION, THE 50TH ANNIVERSARY OBSERVANCE OF THE BALDWIN COUNTY ELECTRIC MEMBERSHIP CORPORATION.

Also:

By Reps. Penry and Turner:

H. J. R. 8. CONGRATULATING MR. CECIL BOOTHE OF FAIR-HOPE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

Also:

By Rep. White (L):

H. J. R. 9. COMMENDING THE REVEREND THOMAS ROBERT FULTON, FORMER INTERIM PASTOR OF FIRST PRESBYTERIAN CHURCH, ALEXANDER CITY, ALABAMA.

Also:

By Rep. White (L):

H. J. R. 10. MOURNING THE DEATH OF UPSHAW GRIFFIN JONES OF WETUMPKA, ALABAMA.

Also:

By Rep. Wright:

H. J. R. 11. CONGRATULATING COACH BERRY HALLADAY, HIS COACHING STAFF AND THE MINOR HIGH SCHOOL TIGERS ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

By Rep. Turner:

H. J. R. 13. CONGRATULATING THE VARSITY CHEERLEADERS OF MARY G. MONTGOMERY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Turner:

H. J. R. 14. COMMENDING KEVIN TURNER OF CHUNCHULA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolutions, H. J. R.'s 6, 7, 9, 10, 11, 13, and 14, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Hand, the Rules were suspended and the Resolution, H. J. R. 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Burke and Rains:

H. J. R. 53. MOURNING THE DEATH OF FREDERICK WESLEY LAWLESS OF RAINSVILLE, ALABAMA.

Also:

By Reps. Hamilton and Starkey:

H. J. R. 59. CONGRATULATING COACH LARRY SINYARD AND THE LAUDERDALE COUNTY HIGH SCHOOL LADY TIGERS, AS OUR STATE 3A BASKETBALL CHAMPIONS.

Also:

By Rep. Parker:

H. J. R. 61. COMMENDING LEONIEKE VAN DER HORST FOR DISTINGUISHED ACHIEVEMENT.

Also:

By Rep. Payne:

H. J. R. 62. CONGRATULATING COACH JACK WOOD AND THE HEWITT-TRUSSVILLE HIGH SCHOOL HUSKIES ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

By Rep. Payne:

H. J. R. 63. CONGRATULATING THE BIRMINGHAM NORTH-EAST Y.M.C.A. CELTICS, 8-YEAR-OLD STATE BASKETBALL CHAMPIONS.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Dial, the Rules were suspended and the Resolutions, H. J. R.'s 53, 59, 61, 62, and 63, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**RESOLUTION**

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FUTURE U. S. ENERGY NEEDS.

WHEREAS, the United States currently depends on oil imports for nearly 40 percent of U. S. demand, with imports possibly making up 50

percent or more of domestic supplies in three to five years if current trends continue; and

WHEREAS, such heavy reliance on oil imports undermines national security, weakens the U. S. economy, costs American jobs and worsens the trade deficit; and

WHEREAS, such overdependence on foreign oil is particularly dangerous at a time of continuing political turmoil and terrorism throughout the Middle East; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) could regain its control over world oil prices, thereby subjecting U. S. consumers to sharply rising prices and a return to the severe energy disruptions of the 1970s; and

WHEREAS, it is in the nation's economic and security interests to take steps now to encourage increased domestic energy production and reduced dependence on oil imports from insecure foreign sources; and

WHEREAS, in its recent draft report to Congress, the U. S. Department of the Interior stated that the Arctic National Wildlife Refuge coastal plain "is clearly the most outstanding oil and gas frontier remaining in the United States, and could contribute substantially to our domestic energy supplies," and proposed that the coastal plain be opened to leasing; and

WHEREAS, development of the Alaskan North Slope oil fields has clearly demonstrated that petroleum operations are compatible with the Alaskan arctic environment and wildlife; and

WHEREAS, should petroleum development occur, less than one-tenth of one percent of the total ANWR area would be affected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support for development of the resources of the Arctic National Wildlife Refuge coastal plain to provide for future U. S. energy needs and to reduce the dangerous overdependence on oil imports.

BE IT FURTHER RESOLVED, That we urge the Congress to act expeditiously to enact ANWR development legislation and to reject proposals providing for permanent bans on oil and natural gas leasing on the coastal plain.

RESOLVED FURTHER, That copies of this resolution be forwarded to the members of the Alabama Congressional Delegation.

Which was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. McClain:

H. J. R. 78. COMMENDING COACH IOLA B. T. BAYLOR AND THE BRIGHTON HIGH SCHOOL LADY BEARS ON THEIR OUTSTANDING BASKETBALL PROGRAM.

Also:

By Rep. McClain:

H. J. R. 79. COMMENDING SONSEEAHRAY CORE OF BRIGHTON HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Flowers:

H. J. R. 83. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON FINISHING ITS SEASON THIRD IN THE NATION.

Also:

By Reps. Bugg and Junkins:

H. J. R. 85. MOURNING THE DEATH OF OMA LEE HUGHES OF GADSDEN, ALABAMA.

Also:

By Reps. Bugg and Junkins:

H. J. R. 86. COMMENDING THE SAND VALLEY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Reps. Bugg and Junkins:

H. J. R. 87. COMMENDING THE EGYPT VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO THE COMMUNITY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolutions, H. J. R.'s 78, 79, 83, 85, 86, and 87, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### RECESS

At 1:50 P.M., on motion of Senator Foshee, the Senate took a recess until 2:50 o'clock this afternoon.

The recess period having expired, at 2:50 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Hon. Aaron Aronov to the Alabama Heritage Trust Fund.

On motion of Senator Smith (J), the appointment of Mr. Aronov was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Drinkard | Langford  |
| Amari     | Corbett       | Foshee   | Manley    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Bedford   | deGraffenried | Hale     | Rice      |
| Bedsole   | Denton        | Hand     | Smith (J) |
| Bennett   | Dial          | Horn     |           |

—22

*Nays:*

—0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Hon. Winton Blount to the Board of Trustees, Alabama Trust Fund.

On motion of Senator Smith (J), the appointment of Mr. Blount was confirmed by the Senate.

Yeas 21; Nays 1.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Campbell      | Foshee  | Langford  |
| Amari     | Covington     | Goodwin | Manley    |
| Bailey    | deGraffenried | Hale    | Parsons   |
| Bedford   | Denton        | Hand    | Rice      |
| Bedsole   | Dial          | Horn    | Smith (J) |
| Bennett   | Drinkard      |         |           |

—21

*Nay:* Senator Corbett

—1

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Hon. Frank Buckner to the Alcoholic Beverage Control Board.

On motion of Senator Amari, the appointment of Mr. Buckner was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Langford  |
| Amari     | Covington     | Goodwin  | Manley    |
| Bailey    | deGraffenried | Hale     | Menton    |
| Bedford   | Denton        | Hand     | Preuitt   |
| Bedsole   | Dial          | Hilliard | Rice      |
| Bennett   | Drinkard      | Horn     | Smith (J) |
| Campbell  |               |          |           |

—24

*Nays:*

—0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Audrey C. Wright to the Alcoholic Beverage Control Board.

On motion of Senator Smith (J), the appointment of Ms. Wright was confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Bailey    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Preuitt   |     |
| Bedsole   | Dial          | Hilliard | Rice      |     |
| Bennett   | Drinkard      | Horn     | Smith (J) | —23 |

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Hon. Don Martin to the Alcoholic Beverage Control Board.

On motion of Senator Smith (J), the appointment of Mr. Martin was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Goodwin  | Manley    |     |
| Amari     | deGraffenried | Hale     | Menton    |     |
| Bailey    | Denton        | Hand     | Parsons   |     |
| Bedford   | Dial          | Hilliard | Preuitt   |     |
| Bedsole   | Drinkard      | Horn     | Rice      |     |
| Bennett   | Foshee        | Langford | Smith (J) | —24 |
| Campbell  |               |          |           |     |

*Nays:* —0

## RESOLUTION

Senator Bailey offered the following Senate Resolution, to-wit:

S. R. 24. COMMENDING JACK BISHOP OF SLOUGH, BERKS, ENGLAND, FOR HIS LEADERSHIP IN THE ESTABLISHMENT OF AN INTERCHANGE PROGRAM BETWEEN THE DOTHAN, ALABAMA, AND SLOUGH ROTARY CLUBS.

Which was filed.

## ADJOURNMENT

At 3:10 P.M., Senator Corbett moved that the Senate adjourn until Tuesday, May 5, 1987, at 2 o'clock P.M.

Senator deGraffenried offered a substitute motion that the Senate adjourn until 10 o'clock A.M., which motion was adopted, and at 3:13 P.M., the Senate adjourned until Tuesday, May 5, 1987, at 10 o'clock A.M.

Yeas 17; Nays 10.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Manley    |     |
| Bailey    | Denton        | Hale   | Preuitt   |     |
| Barron    | Dial          | Hand   | Rice      |     |
| Bedsole   | Dixon         | Horn   | Smith (J) |     |
| Cabaniss  | Drinkard      |        |           | —17 |

*Nays:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Bennett  | Goodwin  | Menton  |     |
| Amari     | Campbell | Hilliard | Parsons |     |
| Bedford   | Corbett  | Langford |         | —10 |

## **FIFTH LEGISLATIVE DAY**

**TUESDAY, MAY 5, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Doctor John E. Vickers, Minister, Dalraida United Methodist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kristy Holley, Cloverdale Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

—34

### **JOURNAL**

On motion of Senator Smith (J), the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE**

#### **ON RULES ON**

#### **REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. EXPRESSING APPRECIATION TO MS. SALLY ANN SUTTON, MR. DAN STEVENS AND THE MIDLAND DOWNTOWN BUSINESSMEN'S ASSOCIATION OF MIDLAND, MICHIGAN.

Also:

H. J. R. 7. NOTING, WITH COMMENDATION, THE 50TH ANNIVERSARY OBSERVANCE OF THE BALDWIN COUNTY ELECTRIC MEMBERSHIP CORPORATION.

Also:

H. J. R. 8. CONGRATULATING MR. CECIL BOOTHE OF FAIRHOPE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

Also:

H. J. R. 9. COMMENDING THE REVEREND THOMAS ROBERT FULTON, FORMER INTERIM PASTOR OF FIRST PRESBYTERIAN CHURCH, ALEXANDER CITY, ALABAMA.

Also:

H. J. R. 10. MOURNING THE DEATH OF UPSHAW GRIFFIN JONES OF WETUMPKA, ALABAMA.

Also:

H. J. R. 11. CONGRATULATING COACH BERRY HALLADAY, HIS COACHING STAFF AND THE MINOR HIGH SCHOOL TIGERS ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

H. J. R. 13. CONGRATULATING THE VARSITY CHEERLEADERS OF MARY G. MONTGOMERY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 14. COMMENDING KEVIN TURNER OF CHUNCHULA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 15. COMMENDING THE LIVINGSTON HIGH SCHOOL LADY COUGARS ON THEIR 1987 STATE BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 16. COMMENDING THE LIVINGSTON HIGH SCHOOL COUGARS, CLASS 4A STATE BASKETBALL CHAMPIONS.

Also:

H. J. R. 17. DESIGNATING THE ALABAMA PECAN FESTIVAL AS ALABAMA'S OFFICIAL STATE PECAN FESTIVAL.



Also:

H. J. R. 18. COMMENDING NICHOLAS R. CRISLER OF FLORENCE, ALABAMA.

Also:

H. J. R. 52. CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A SON.

Also:

H. J. R. 53. MOURNING THE DEATH OF FREDERICK WESLEY LAWLESS OF RAINSVILLE, ALABAMA.

Also:

H. J. R. 59. CONGRATULATING COACH LARRY SINYARD AND THE LAUDERDALE COUNTY HIGH SCHOOL LADY TIGERS, AS OUR STATE 3A BASKETBALL CHAMPIONS.

Also:

H. J. R. 61. COMMENDING LEONIEKE VAN DER HORST FOR DISTINGUISHED ACHIEVEMENT.

Also:

H. J. R. 62. CONGRATULATING COACH JACK WOOD AND THE HEWITT-TRUSSVILLE HIGH SCHOOL HUSKIES ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

H. J. R. 65. COMMENDING DR. MAW-KUEN WU, ASSISTANT PROFESSOR AND RESEARCH PHYSICIST AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

H. J. R. 66. MOURNING THE DEATH OF JOHN E. HATCH OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 69. COMMENDING HOYT TRAMMELL OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 70. COMMENDING HUGH BOLES OF HUEYTOWN, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 63. CONGRATULATING THE BIRMINGHAM NORTH-EAST Y.M.C.A. CELTICS, 8-YEAR-OLD STATE BASKETBALL CHAMPIONS.

Also:

H. J. R. 64. COMMENDING STACEY WOODALL OF MOBILE, ALABAMA, FOR OUTSTANDING CITIZENSHIP.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Smith (J) (With Notice and Proof):

S. 304. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in criminal cases, and providing for the distribution of the increased costs.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 304, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (J) (With Notice and Proof):

S. 305. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), which provides for the collection of additional court costs, so as to increase the amount of such costs to defray the expense of jury and witness parking.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 305, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Campbell:

S. 306. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Inc., and National Council on Alcoholism, Inc., Alabama Division, within the definitions of charitable organizations as used in this section.

Committee on Governmental Affairs.

By Senator Bishop:

S. 307. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1988.

Committee on Finance and Taxation.

By Senator Barron:

S. 308. To provide for the expanded coverage of the surviving spouse and dependent children of a member of the Employees' Retirement System of Alabama employed as a state policeman for not less than three (3) years, nor more than twenty-five (25) years, upon the death of such member prior to retirement; to provide for monthly benefits to the surviving spouse and dependent children of such state policeman; to provide for the necessary allocation of funds from the Employees' Retirement System; to provide for certain definitions; and to provide for an effective date of October 1, 1987.

Committee on Finance and Taxation.

By Senator Barron:

S. 309. To amend further section 36-29-1, Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in captive county circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Committee on Finance and Taxation.

By Senator Barron:

S. 310. To further amend Section 40-6-1, Code of Alabama 1975, as amended, so as to provide further for the qualifications for appointment as a supernumerary official.

Committee on Finance and Taxation.

By Senator Drinkard:

S. 311. To create a State Publications Depository Program for maximum availability and distribution of state publications to the public; to establish the Alabama Publications Clearinghouse, as a division of the Alabama Public Library Service, and to provide for its operations, duties and authority; to authorize the Alabama Public Library Service to make and implement reasonable rules and regulations; to establish the Advisory Council for the State Publications Depository Program and to provide for the membership, terms, duties, qualifications and powers; to define the duties and powers of the Alabama Department of Archives and History relative to the depository program for state publications and the distribution of microform products; to require each state agency to designate a publications officer from among its staff and to notify the said clearinghouse of the designee, and to provide certain state publications and related information; to provide for the criteria and eligibility of depositories, including the United States government depository libraries; to provide that funding be from appropriations made to the use of the Alabama Public Library Service; to provide for the said service to make reimbursement of certain reasonable costs of producing microforms by the Department of Archives and History; to repeal

section 41-6-12, Code of Alabama 1975, as amended, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

Committee on Governmental Affairs.

By Senators Drinkard, Amari, Holmes, Foshee, Bishop, Hand, Corbett, Denton, Parsons, Covington, Figures, Preuitt, Rice, Bailey, Smith (J), Bennett, and Menton:

S. 312. To provide longevity pay for certain employees of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Senator Drinkard:

S. 313. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county governing body of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Committee on Finance and Taxation.

By Senators Drinkard, Horn, Hilliard, Foshee, and Amari:

S. 314. To provide that the annual state salary payable to circuit clerks and registers, effective January 16, 1989, shall be \$45,000.00 and to provide that such increase shall in no event cause a register's state salary to exceed \$45,000.00.

Committee on Finance and Taxation.

By Senators Preuitt, Campbell, and Denton:

S. 315. To amend Section 6-5-332, Code of Alabama 1975, relating to rendering first aid or emergency care at the scene of an accident so as to include education employees.

Committee on Judiciary.

By Senator Preuitt:

S. 316. To amend Act 86-434, Section 1, Code of Alabama 1975, which relates to the authority of the State Department of Education to enter into contracts for periods not greater than three years for the storage of and distribution of the United States Department of Agriculture commodities, so as to provide for contracts to be renegotiated in the second and third year.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Holmes:

S. 317. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13, Code of Alabama 1975, relating to electrical contractors, so as to authorize the

board of electrical contractors to regulate and license certain journeyman electricians and to contract for an executive secretary.

Committee on Small Business.

By Senators Holmes, Bedford, Denton, Foshee, and Covington:

S. 318. To amend Sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, and 8-17-226, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to provide further for such regulation.

Committee on Small Business.

By Senator Holmes:

S. 319. To amend Code of Alabama 1975, Section 12-17-224 (a) (2) e.1. (ii) by redefining RESTITUTION to allow Worthless Check Units to collect the service charge of not more than \$10.00 authorized by Alabama Code Sections 13A-9-13.1 through 13A-9-13.3 for the holder of a worthless check.

Committee on Small Business.

By Senator Holmes (With Notice and Proof):

S. 320. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 320, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Holmes:

S. 321. To propose an amendment to the Constitution of Alabama of 1901, to authorize the county governing body and the governing body of any municipality in Calhoun County to appropriate public funds to any non-profit charity and to provide that the provisions of this amendment shall be self-executing.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Dial:

S. 322. To provide further for making appropriations, the manner therefor and the legislative process; to provide a formula for making appropriations based on the maximum percentage of the total revenues received in the fiscal year that ended one year prior to the commencement of the fiscal year for which the appropriation is made, excluding any federal funds, and including conditional and supplemental appropriations; and to provide an effective date.

Committee on Finance and Taxation.

By Senators Dial, Bedsole, Smith (B), Hand, Barron, Bailey, and Rice:

S. 323. Relating to public schools; prescribing certain minimum grade requirements for certain public school students to be eligible for participation in certain extracurricular activities and prescribing penalties for enforcement.

Committee on Education.

By Senator Ellis (With Notice and Proof):

S. 324. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 324, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Cabaniss, Bennett, and Hilliard:

S. 325. To exempt the Birmingham Botanical Society, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Cabaniss, Ellis, and Hilliard:

S. 326. To exempt Junior Achievement, Inc., from the payment of any state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Cabaniss and Ellis:

S. 327. To amend Sections 25-9-2, 25-9-7, 25-9-9, 25-9-10, 25-9-11, 25-9-12, 25-9-13, 25-9-14, 25-9-15, 25-9-19, 25-9-20, 25-9-22, 25-9-27, 25-9-29, 25-9-40, 25-9-41, 25-9-42, 25-9-60, 25-9-61, 25-9-62, 25-9-63, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-86, 25-9-87, 25-9-88, 25-9-89, 25-9-130, 25-9-132, 25-9-133, 25-9-134, 25-9-151, 25-9-152, 25-9-170, 25-9-171, 25-9-173, 25-9-174, 25-9-175, 25-9-176, 25-9-191, 25-9-192, 25-9-210, 25-9-213, 25-9-230, 25-9-251, 25-9-252, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the definition of certain terms and to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, certificates of competency for fire bosses and mine foremen, the composition of the board of examiners, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency and fees for duplication of same, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine fans, gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment including flame safety lamps, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures, transformers and practices, surface mining operations, sinking of bald shafts, for underground storage places

and haulage roads, for the qualifications of the chief of the division of safety and inspections, and for enforcement of the provisions of this act.

Committee on Natural Resources.

By Senator Parsons:

S. 328. To authorize an airport authority to indemnify its officers, directors, employees and agents; to permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, which pertains to the powers of an airport authority, to provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

Committee on Judiciary.

By Senator Parsons:

S. 329. To exempt from all state, county or local ad valorem taxes all property owned and used by the Ruffner Mountain Nature Coalition, Inc.

Committee on Finance and Taxation.

By Senators Parsons and Corbett:

S. 330. To amend Section 37-1-80, Code of Alabama 1975, relating to rates charged by public utilities, so as to provide a procedure to be used by the Public Service Commission to determine if the purchase of out of state or foreign coal will alter an electric utility's rates.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Parsons:

S. 331. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bid contracts, so as to provide that state facilities seeking competitive bids for coal shall accept bids only from companies selling coal mined in the state.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Parsons:

S. 332. To amend Section 37-1-80, Code of Alabama 1975, relating to rates charged by public utilities, so as to provide a procedure to be used by the Public Service Commission to determine if the purchase of out-of-state or foreign coal will alter an electric utility's rates.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Manley:

S. 333. To further amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to alter certain observances.

Committee on Governmental Affairs.

By Senator Manley:

S. 334. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard

of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor



shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action

for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

Committee on Judiciary.

By Senator Dixon:

S. 335. To limit the amounts of judgments rendered against employees, officers, officials and servants of governmental entities as defined herein as a result of acts committed within the line and scope of their employment, and to limit such judgments to recovery for those acts involving wanton conduct.

Committee on Judiciary.

By Senators Dixon and Langford:

S. 336. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Committee on Governmental Affairs.

By Senator Dixon:

S. 337. To propose an amendment to the Constitution of Alabama of 1901, as amended, relating to sovereign immunity.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Senator Rice:

S. 338. To amend Section 32-5A-155, Code of Alabama 1975, to require that all buses converted for uses other than transporting pupils to or from school or school activities shall be painted a color other than National School Bus Yellow and have certain other alterations.

Committee on Education.

By Senator Corbett:

S. 339. Relating to the liquefied petroleum gas board and the regulation of liquefied petroleum gas; to amend Section 9-17-105 of the Code of Alabama 1975, so as to provide for the further regulation of liquefied petroleum gas and the liquefied petroleum gas industry; to provide further for the powers,

duties, authority and requirements of the liquefied petroleum gas board; and to provide for the creation of a bond fund in the state treasury for the personal bonds posted by certain persons in the liquefied petroleum gas industry.

Committee on Governmental Affairs.

By Senator Corbett:

S. 340. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975, so as to redefine occupational diseases of firefighters and the related manner and procedures for compensation of such.

Committee on Finance and Taxation.

By Senators Bedford, Corbett, and Covington:

S. 341. To create the Police Officer's and Firefighter's Survivor Educational Assistance Act; to provide for tuition assistance and other costs for an undergraduate student in a state college, community college, junior college, technical college or state university who is the dependent child, or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to provide that the Alabama Commission on Higher Education shall administer the provisions of the act; to create the Tuition Eligibility Board and provides for membership; to make an appropriation; and to repeal Sections 36-21-95 through 36-21-99, Code of Alabama 1975, the Policeman's Survivor Tuition Act.

Committee on Finance and Taxation.

By Senator Covington:

S. 342. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-23, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating to property, casualty and surety insurance businesses and their representatives and exceptions to execution of contracts through a countersigning resident agent so as to further regulate such representatives and to provide further for such exceptions.

Committee on Banking and Insurance.

By Senator Covington:

S. 343. To provide that only a licensed chiropractor, a licensed osteopath or a licensed medical doctor may perform manipulations or adjustments to the joints of the human spine and its contiguous attachments, but not confined to the spine; and to prohibit them from delegating this authority to anyone not so licensed; providing certain disciplinary action for persons violating this act and other penalties.

Committee on Health.

By Senator Foshee:

S. 344. To amend Section 6-5-481, Code of Alabama 1975, relating to definitions of terms used in the Alabama Medical Liability Act so as to

include "chiropractor" within the definition of the term "Other Health Care Providers."

Committee on Health.

By Senator Foshee:

S. 345. To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowance for certain law enforcement officers, so as to provide a subsistence allowance for any law enforcement officer of the state of Alabama who is employed by the Liquefied Petroleum Gas Board.

Committee on Governmental Affairs.

By Senator Foshee:

S. 346. Providing that representation of utility consumers and agencies of the state government shall be the responsibility of the office of the Attorney General and transfers funds to the office of the Attorney General to enable such representation, amending Sections 37-1-16, 37-1-18 and 37-1-64, Code of Alabama (1975), as amended.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Foshee:

S. 347. To amend Section 33-1-3, Code of Alabama 1975, which establishes the office of the Director of state docks, so as to provide that the Director's salary shall be fixed by the Governor, at any reasonable amount not to exceed by \$10,000.00 the highest authorized salary for employees of the department in the classified service of the state.

Committee on Governmental Affairs.

By Senator Foshee:

S. 348. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include home health agencies; and to provide further for the advisory board.

Committee on Health.

By Senator Hand (With Notice and Proof):

S. 349. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 349, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hand:

S. 350. To amend Sections 37-6-9, 37-6-10 and 37-6-11, Code of Alabama 1975, to permit certain actions to be taken at area meetings of the members of rural electric cooperatives instead of at central annual or special

meetings if the bylaws so provide, prescribes the procedures therefor and requires a central annual meeting for consolidation, merger, dissolution, sale or leasing of more than 10% of cooperative assets or bankruptcy or reorganization.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Hand:

S. 351. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Senator Hand:

S. 352. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Committee on Education.

By Senator Menton:

S. 353. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name; to further require certain facilities and physicians to report the required data; to grant the Bureau of Vital Statistics certain rule making powers; and to prescribe penalties.

Committee on Health.

By Senator Dial (With Notice and Proof):

S. 354. Relating to Clay County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 354, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Foshee:

S. 355. Relating to the practice of veterinary medicine and surgery in Alabama; amending the title and Sections 2, 4, 5, 6, 12, 14, 16 and 29 of the Alabama Veterinary Practice Act, Act No. 86-500, S. 121, Regular Session 1986, approved April 30, 1986 (such sections now appearing in the 1986

Cumulative Supplement to the Code of Alabama 1975 as Sections 34-29-61, 34-29-63, 34-29-64, 34-29-65, 34-29-71, 34-29-73, 34-29-75 and 34-29-88, respectively), so as to change the name of the board; and to provide further for the practice and licensure of such veterinary medicine and surgery.

Committee on Health.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Ms. Sandral Hullett to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Ms. Hullett was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Horn      |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Cabaniss  | Dixon         | Hilliard | Smith (B) |     |
| Campbell  | Drinkard      | Holmes   |           | —18 |

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Thomas E. Rast to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Rast was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Dixon    | Horn      |     |
| Barron    | Corbett       | Drinkard | Menton    |     |
| Bedsole   | Covington     | Foshee   | Rice      |     |
| Bennett   | deGraffenried | Hand     | Smith (B) |     |
| Cabaniss  | Dial          | Hilliard | Smith (J) | —19 |

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Dr. Cordell Wynn to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Dr. Wynn was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Drinkard | Menton    |     |
| Barron    | Covington     | Foshee   | Rice      |     |
| Bedsole   | deGraffenried | Hand     | Smith (B) |     |
| Cabaniss  | Dial          | Hilliard | Smith (J) |     |
| Campbell  | Dixon         | Horn     |           | —18 |

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Aaron Aronov to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Aronov was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Menton    |     |
| Barron    | deGraffenried | Hale     | Preuitt   |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Cabaniss  | Dixon         | Hilliard | Smith (B) |     |
| Campbell  | Drinkard      | Holmes   | Smith (J) | —19 |

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Gary Neil Drummond to the Board of Trustees, University of Alabama.

On motion of Senator Bishop, the election of Mr. Drummond was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Menton    |     |
| Barron    | Covington     | Hale     | Preuitt   |     |
| Bedsole   | deGraffenried | Hand     | Rice      |     |
| Bishop    | Dial          | Hilliard | Smith (B) |     |
| Cabaniss  | Dixon         | Holmes   | Smith (J) |     |
| Campbell  | Drinkard      | Horn     |           | —22 |

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Yetta G. Samford, Jr., to the Board of Trustees, University of Alabama.

On motion of Senator Corbett, the election of Mr. Samford was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Foshee   | Menton    |     |
| Barron    | deGraffenried | Hale     | Preuitt   |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Cabaniss  | Dixon         | Hilliard | Sanders   |     |
| Campbell  | Drinkard      | Holmes   | Smith (J) |     |
| Corbett   | Ellis         | Horn     |           | —22 |

*Nays:*

—0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. John T. Oliver, Jr., to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Oliver was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Goodwin  | Menton    |     |
| Bedsole   | Dial          | Hale     | Preuitt   |     |
| Bennett   | Dixon         | Hand     | Rice      |     |
| Cabaniss  | Drinkard      | Hilliard | Sanders   |     |
| Campbell  | Ellis         | Horn     | Smith (B) |     |
| Corbett   | Foshee        | Langford | Smith (J) |     |
| Covington |               |          |           | —24 |

*Nays:*

—0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. William H. Mitchell to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Mitchell was confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Foshee   | Menton    |     |
| Bedsole   | deGraffenried | Goodwin  | Preuitt   |     |
| Bennett   | Dial          | Hale     | Rice      |     |
| Cabaniss  | Dixon         | Hilliard | Sanders   |     |
| Campbell  | Drinkard      | Holmes   | Smith (B) |     |
| Corbett   | Ellis         | Langford | Smith (J) | —23 |

*Nays:*

—0



Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Frank H. Bromberg, Jr., to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Bromberg was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Preuitt   |
| Bedsole   | deGraffenried | Goodwin  | Rice      |
| Bennett   | Dial          | Hilliard | Sanders   |
| Cabaniss  | Dixon         | Langford | Smith (B) |
| Campbell  | Drinkard      | Menton   | Smith (J) |
| Corbett   | Ellis         | Parsons  |           |

—22

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. George S. Shirley to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Shirley was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedsole   | Dial          | Hilliard | Rice      |
| Bennett   | Dixon         | Holmes   | Sanders   |
| Cabaniss  | Drinkard      | Langford | Smith (B) |
| Campbell  | Ellis         | Menton   | Smith (J) |
| Corbett   | Foshee        |          |           |

—25

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. O. H. Delchamps, Jr., to the Board of Trustees, University of Alabama.

On motion of Senator Bedsole, the election of Mr. Delchamps was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Parsons   |     |
| Barron    | Dial          | Hand     | Preuitt   |     |
| Bedsole   | Dixon         | Hilliard | Rice      |     |
| Bennett   | Drinkard      | Holmes   | Sanders   |     |
| Cabaniss  | Foshee        | Langford | Smith (B) |     |
| Corbett   | Goodwin       | Menton   | Smith (J) |     |
| Covington |               |          |           | —24 |

*Nays:* —0

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Winton M. Blount to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Blount was confirmed by the Senate.

Yeas 22; Nays 1.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dial     | Hale     | Preuitt   |     |
| Bedsole       | Dixon    | Hand     | Rice      |     |
| Bennett       | Drinkard | Holmes   | Sanders   |     |
| Cabaniss      | Ellis    | Langford | Smith (B) |     |
| Covington     | Foshee   | Menton   | Smith (J) |     |
| deGraffenried | Goodwin  | Parsons  |           | —22 |

*Nay:* Senator Corbett. —1

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Cleophus Thomas, Jr., to the Board of Trustees, University of Alabama.

On motion of Senator Smith (J), the election of Mr. Thomas, was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dial     | Hale     | Preuitt   |     |
| Bedsole       | Dixon    | Hand     | Rice      |     |
| Cabaniss      | Drinkard | Hilliard | Sanders   |     |
| Campbell      | Ellis    | Langford | Smith (B) |     |
| Corbett       | Foshee   | Menton   | Smith (J) |     |
| deGraffenried |          |          |           | —20 |

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Rep. Harper:

H. 264. To amend Section 4 of Act No. 86-645, H. 124, Special Session, 1986, relating to the transfer of certain funds.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 264—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. White (L):

H. 49. To propose an amendment to the Constitution of 1901, relating to the levy and collection of school district taxes for city and county school systems within Tallapoosa County; to provide that such taxes are cumulative to any and all other such taxes in Tallapoosa County; to provide that such tax shall be effective upon approval at a referendum called for the purpose and the ratification of this amendment at a referendum, pursuant to Amendment 425 of the Constitution of 1901, as amended, and which referendum shall constitute a referendum on the tax. The Tallapoosa County Board of Education shall administer the allocation of such tax.

Also:

By Reps. Burke, Butler, Fuller, and Lindsey:

H. 79. To amend Section 8-17-216 of the Code of Alabama 1975, relating to permits for the possession and sale of special fireworks for public displays, so as to exempt certain distributors from a distributor's permit where such public display of fireworks is to be performed for charitable purposes.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 49—to the Committee on Local Legislation No. 1

H. B. 79—to the Committee on Small Business

(The above Bill, H. B. 49, was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 106. To authorize the Speaker of the House of Representatives to upgrade the employment status of his administrative assistant to confidential assistant and provide for his compensation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 106—to the Committee on State Development and Tourism

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate.

S. J. R. 1. COMMENDING JACK BISHOP OF SLOUGH, BERKS, ENGLAND, FOR HIS LEADERSHIP IN THE ESTABLISHMENT OF AN INTERCHANGE PROGRAM BETWEEN THE DOTHAN, ALABAMA, AND SLOUGH ROTARY CLUBS.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has elected the following as members of the Legislative Council:

Representatives: Adams, Drake, Hall, Laird, Thomas, and White (L).

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has elected the following as members of the Examiners of Public Accounts:

Representatives: Payne, Rogers, Flowers, Holley, and McKee.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Sunset Committee:

Representatives: Buskey (JL), Hettinger, and Curry.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Building Commission:

Representatives: Burke, Faulk, Freeman, and Newman.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Bugg, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 84. COMMENDING O. B. EMERSON OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

By Reps. Melton, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray,

Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 77. HONORING DR. CORDELL WYNN AS PRESIDENT OF STILLMAN COLLEGE AND FOR OUTSTANDING LEADERSHIP IN TUSCALOOSA COUNTY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 84 and 77, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Turner, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 91. MOURNING THE DEATH OF JOHN PALMER OF MOBILE, ALABAMA.

Also:

By Reps. Turner, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton,

Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 92. MOURNING THE DEATH OF RAYMOND L. WOOD OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 91 and 92, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Harvey:

H. J. R. 76. CONGRATULATING COACH JEFF MILWEE AND THE J. B. PENNINGTON HIGH SCHOOL VARSITY ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

By Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 67. COMMENDING SPENCER BACHUS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

By Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim,

Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 68. COMMENDING CHRIS MCNAIR OF BESSEMER, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 76, 67, and 68, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bugg:

H. J. R. 88. COMMENDING DOROTHY JACKSON OF ETOWAH COUNTY, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Reps. Bugg and Junkins:

H. J. R. 89. MOURNING THE DEATH OF RUSHIA ODESSA BYRUM OF GADSDEN, ALABAMA.

Also:

By Rep. Turner:

H. J. R. 90. COMMENDING THE MOBILE COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 88, 89, and 90, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 21st day of April, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Sage Lyons of Mobile, Alabama, to the Alabama State Docks Advisory Committee, replacing Mr. M. C. Farmer, for the term expiring on 9-28-87.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of April, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Deputy Adjutant General.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation Colonel Ned L. Turnipseed of Montgomery, Alabama, as Deputy Adjutant General.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Deputy Adjutant General, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

Mr. Edward J. Kahalley, Jr. of Mobile has been appointed, subject to your confirmation, to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund Board of Trustees, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

Mr. Barrett Shelton of Decatur has been appointed, subject to your confirmation, to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund Board of Trustees, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

Mr. Joseph C. Moquin of Madison has been appointed, subject to your confirmation, to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund Board of Trustees, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

Mr. Richard Hanan of Montgomery has been appointed, subject to your confirmation, to the Alabama Heritage Trust Fund Board of Trustees.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund Board of Trustees, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Keith Peinhardt of Cullman, Alabama, to the State Board of Agriculture and Industries, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Lester Woerner of Elberta, Alabama, to the State Board of Agriculture and Industries, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Jessie Cornelison of Scottsboro, Alabama, to the State Board of Agriculture and Industries, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Michael Smith of Verbena, Alabama, to the State Board of Agriculture and Industries, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Norman Burch of Grand Bay, Alabama, to the State Board of Agriculture and Industries, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. William Deal of Headland, Alabama, to the State Board of Agriculture and Industries, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 1st day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Calvin Weaver of Wedowee, Alabama, to the State Board of Agriculture and Industries, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**REPORTS OF COMMITTEES**

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bishop, Goodwin, Covington, Foshee, Menton, Corbett, Bedford, Parsons, Langford, Figures, Amari, Campbell, Rice, Drinkard, Bennett, Smith (B), Denton, Bailey, Sanders, Hilliard, and Barron:

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures

and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filing of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Holmes and Bishop:

S. 108. To make a supplemental appropriation from the Airport Development Fund to the Department of Aeronautics for the fiscal year ending September 30, 1987.

By Senators Cabaniss, Hand, Smith (B), Dixon, and Ellis:

S. 125. To amend §§40-23-2 and 40-23-35, Code of Alabama 1975, to impose an excise tax on unlawful sales, use and other transactions involving certain drugs or controlled substances, and provide for the disposition of the proceeds of the tax.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 81. To define and set the punishment for the crimes of: unlawful distribution of controlled substances; unlawful possession or receipt of controlled substances; and unlawful possession of marihuana in the first and second degrees; to amend Code of Alabama 1975, 20-2-71, 20-2-72, 20-2-73; and 20-2-74; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-76, and 20-2-77, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to

repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Cabaniss and Amari (With Amendment):

S. 55. To establish an Alabama Men's Hall of Fame; prescribes its purposes and membership; and provides for election of members and officers and for holding of meetings.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 133. To define, specify principles of liability and defenses for, and prescribe the punishment for the crimes of: criminal solicitation to commit a controlled substance crime, attempt to commit a controlled substance crime, and criminal conspiracy to commit a controlled substance crime; to provide that criminal solicitation, attempt, and criminal conspiracy to commit a controlled substance crime are included offenses in any controlled substance crime that is charged; to specify the conduct to which this act applies; to repeal any conflicting laws; to provide for severability; and to provide an effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendments):

S. 187. Relating to civil liability for selling or furnishing alcoholic beverages; to provide liability for selling or furnishing alcoholic beverages directly to a minor or directly to a person who is visibly intoxicated or directly to a person in sufficient quantity to cause intoxication, without regard to negligence; to provide and limit liability for injuries to third persons proximately caused by intoxication against the vendor or the person intoxicated; to provide the award of punitive or exemplary damages against only the person intoxicated or the vendor, to establish the burden of proof by the overwhelming weight of clear and convincing evidence and to limit the award of punitive or exemplary damages against the vendor to willful or intentional conduct by the vendor; to limit liability for sales to minors to actual or constructive knowledge of minority; to exempt from liability persons who sold or furnished alcohol to a minor relying on certain false, fictitious, altered or forged identification; to exempt a vendor who offers exit transportation from liability to injured third parties; to define terms, including vendor, intoxication and clear and convincing evidence; to provide an exclusive remedy; to repeal Code of Alabama 1975, §§6-5-70 and 6-5-71; and all other laws or parts of law in conflict or inconsistent herewith.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 84. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

By Senators Barron, Hand, and Dial:

S. 97. To state the background of this act and the intent of the legislature in passing it; to provide that the parties to any sale or purchase of real property, which shall include the sale and purchase of any improvements on such real property, shall have the right and ability to state in writing that such transaction shall not be subject to any implied warranties which exist now or in the future, and in such case, no implied warranties shall apply to such transaction, including the implied warranty of fitness and habitability as stated by the Alabama Supreme Court in *Cochran v. Keeton*, 287 Ala. 439, 252 So. 2d 313, *Capra v. Smith*, 372 So. 2d 321, and *Sims v. Lewis*, 374 So. 2d 298, and their progeny; to provide language which will be sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability as stated in such court decisions; to provide for the retroactive effect of this law for transactions which comply with it; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Drinkard, Foshee, Rice, Menton, Preuit, Dial, Smith (J), Holmes, Dixon, Cabaniss, Hand, Denton, Parsons, Hale, Covington, and Amari (With Amendments):

S. 180. To provide that no person shall perform an abortion on an unemancipated minor without parental involvement of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried and Dial:

S. 138. To clarify and extend the authority of city and county boards of education to manage the public schools over which they have legal responsibility.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Hand, Dial, Cabaniss, Dixon, and Bedsole (With Amendment):

S. 196. To amend Section 16-24-5, Code of Alabama 1975, to provide that any teacher on continuing service status may be transferred by being given written notice of such intention to transfer by the employing board.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Smith (J), Bailey, and Bennett:

S. 73. To provide further for the number of students in state funded academic classrooms in the public schools in Alabama.

By Senators Bedsole and Bailey:

S. 200. To amend section 44-1-76, Code of Alabama 1975, creating the youth services department district board of education, by establishing the method by which the board of education is appointed and by establishing the powers and duties of said board of education and the superintendent of education.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 271. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

By Senator Hilliard (With Notice and Proof):

S. 279. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last or any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits, and to repeal all laws or parts of laws in conflict herewith.

By Senator Hilliard (With Notice and Proof):

S. 280. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a mayor-council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to provide the method for determining the annual salary to be paid to the mayor of such city.

By Senator Bennett (With Notice and Proof):

S. 284. To further amend Sections 18 and 20 of an act designated as Act #248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a countywide civil service system. To provide for appointment of department heads from all qualified candidates unless the appointment authority shall request the three ranking eligibles only.

By Senator Hilliard (With Notice and Proof):

S. 303. To amend Section 3.05 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Amari (With Notice and Proof) (With Amendments):

S. 3. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

## RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

### S. R. 25. RELATIVE TO ADJOURNMENT.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That when we adjourn today, we adjourn to meet again on May 7, 1987, at 12:01 A.M.

Which was read and referred to the Standing Committee on Rules.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

### S. J. R. 26. COMMENDING HUGH AKERS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service rendered by Hugh Akers to the citizens of Marion County, Alabama, and to the Marion County Commission; and

WHEREAS, prior to retirement in January 1987, Mr. Akers served the commission for a period of 32 years and six months, a distinguished tenure marked in achievement, and in accomplishments on behalf of all citizens of Marion County; and

WHEREAS, Mr. Akers, as a dedicated public servant, was a member of the commission for 12 years and, for 20 years and six months, was an employee of the commission; and

WHEREAS, on the occasion of Mr. Akers' retirement, he was honored at a special luncheon and ceremonies at the Marion County Courthouse, which were attended by numerous family members, friends and colleagues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Marion County, Alabama, in commending Hugh Akers for outstanding service to the Marion County Commission and direct that he receive a copy of this resolution of highest honor and esteem.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. COMMENDING ELTON TOWNSEND ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service of Elton "Cotton" Townsend as Sheriff of Winston County, Alabama, for sixteen years, a dedicated tenure marked in achievement, and in accomplishments on behalf of all Winston County citizens; and

WHEREAS, a lifelong resident of the "Free State of Winston," Cotton Townsend was in the timber and sawmill business prior to his election to the office of Sheriff in 1950; he was subsequently reelected to three additional four-year terms for a total of sixteen years' faithful and exemplary service as his county's highest law enforcement officer; and

WHEREAS, Sheriff Townsend, who declined to run for a fifth term for reasons of health, was honored with a retirement party and numerous commendatory recognitions after leaving office in January 1987; he further has been honored by former Governor George Wallace and now Attorney General Don Siegelman with the designation of supernumerary sheriff; and

WHEREAS, Sheriff Cotton Townsend has indeed earned the many tributes of gratitude expressed by public officials, his associates and peers and by all Winston Countians whom he served so faithfully and for so many, many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service as Sheriff of Winston County, Alabama, we hereby commend Elton "Cotton" Townsend, whom we hold in highest esteem and to whom a copy of this resolution shall be presented.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. COMMENDING YVONNE MCCARLEY RAY OF HAMILTON, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, notes the selection of Yvonne McCarley Ray of Hamilton Elementary School as "Marion County Elementary Teacher of the Year"; and

WHEREAS, Mrs. Ray, who is a Hamilton native, is a graduate of the University of Alabama with the B.S. degree; she earned both her M.A. degree and AA certification from the University of North Alabama, and currently is completing a research project for a May 1987 Education Specialist degree, also from UNA; and

WHEREAS, a teacher in the Marion County School System for 17 years, Mrs. Ray began her career in January 1970 as a first grade teacher at Phillips Elementary School, transferring in the fall to Hamilton Elementary School where she has since served as a teacher for both third and fourth grade students; and

WHEREAS, the prestigious and recently bestowed Teacher of the Year Award indeed speaks highly of Mrs. Ray's professional dedication and proficiency; it further is a reflection of her sense of deep responsibility to her students and her educational philosophy of high expectations for both teachers and students alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and in praise of her accomplishments as a distinguished public school educator, we hereby commend Yvonne McCarley Ray of Hamilton, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. NAMING THE CLAY COUNTY LEARNING CENTER IN ASHLAND, ALABAMA, IN HONOR OF EMMA JEAN MCKINNEY AND THE LATE BILL MCKINNEY.

WHEREAS, the Clay County Learning Center in Ashland, Alabama, was established through the instrumental efforts of Emma Jean McKinney and her husband, the late Bill McKinney, parents of a "special" daughter, Billie, who was born March 20, 1964, with Down's Syndrome; and

WHEREAS, when little Billie reached school age, her parents were hopelessly frustrated to learn that the public schools were ill-equipped to provide educational opportunities, within the system, for developing the potential of "delayed" learners; and

WHEREAS, it was thus that Billie was to attend school for just two hours daily in a crowded "mainstream" classroom, while her parents continued to seek help, and were soon to find that no help was available for the mentally retarded in the Clay County area of our state; and

WHEREAS, in 1972, however, they were encouraged by Mr. Marvin Dinsmore to organize a Clay County Association for Retarded Citizens and to seek funds available for such organizations as ARC for assisting the mentally and physically handicapped; and

WHEREAS, in June 1974, and to the credit of Emma Jean and Bill McKinney, who worked unceasingly for adequate funding and assistance, the Clay County Learning Center became a reality; and

WHEREAS, since that time, the center has served some 510 clients, many of whom went on to enter the public school system and, some, to obtain jobs; and



WHEREAS, it was therefore born of a desperate search by loving and concerned parents that Clay County now has an outstanding facility to provide assistance to area citizens who are mentally and/or physically handicapped; and

WHEREAS, it is the consensus of the Alabama Legislature that the dedicated efforts of Emma Jean and Bill McKinney, in establishing the Clay County Learning Center, should be recognized through appropriate and public honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to commemorate the accomplishments of Emma Jean and Bill McKinney on behalf of the mentally and physically handicapped, we hereby name and designate the Clay County Learning Center in Ashland, Alabama, the "McKinney Learning Center."

BE IT FURTHER RESOLVED, That appropriate signs and markers be erected and maintained so designating said center, and that a copy of this resolution be forwarded to Mrs. McKinney of Ashland, Alabama.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. COMMENDING 1987 MERIT MOTHER OF THE YEAR, BENNIE JONES CANNON NOLEN OF FAYETTE, ALABAMA.

WHEREAS, Bennie Jones Cannon Nolen of Fayette, Alabama, has been named Fayette County's Merit Mother of the Year for 1987, a distinct honor that the Alabama Legislature notes with highest commendation and esteem; and

WHEREAS, a native of Fayette County, Mrs. Nolen is a graduate of Ward-Belmont Preparatory School in Nashville, and of the University of Alabama where she was a member of Alpha Gamma Delta social sorority and Phi Upsilon Omicron home economics honorary; she also served as president of Tuscaloosa City Panhellenic while residing in Tuscaloosa; and

WHEREAS, she and her husband, Jack M. Nolen, were married in 1949 while students at the University and they are the parents of six children: Theron, Kathy, Janet, Merrell, Pam and Laura; with the exception of Laura, who currently attends the University of Alabama, the Nolen's sons and daughters are graduates of the University, have earned or are in pursuit of advanced degrees, and are engaged in professional careers; and

WHEREAS, Bennie Nolen, in addition to her responsibilities as a devoted wife and mother, has extended her involvement over the years to include numerous activities related to the community, schools and church, having been a PTA member for 22 years and a member also of such organizations as the Boosters' Club, Band and Music Study Clubs and Progress Club II; and

WHEREAS, she further is a Fayette Arts Council Patron, has served on the Northwest Alabama Regional Mental Health Board, and is active in the First United Methodist Church where she has worked with Methodist Youth Fellowship, Bible School director, Sunday School superintendent, president of United Methodist Women and registrar of Tuscaloosa District UMW; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Bennie Jones Cannon Nolen as Fayette County's 1987 Merit Mother of the Year and direct that she receive a copy of this resolution, executed in sincere warm praise and highest regard.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon and Langford offered the following Senate Joint Resolution, to-wit:

**S. J. R. 31. COMMENDING THE FLOYD JUNIOR HIGH SCHOOL CHEERLEADERS ON THEIR NATIONAL CHAMPIONSHIP.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates the Floyd Junior High School Cheerleaders, Montgomery, Alabama, as 1986-87 National Champions, Junior High Division, by virtue of the team's first place finish in the National Cheerleaders Association's National Competition in Orlando, Florida, against 49 squads from 42 states; and

WHEREAS, under the talented direction and leadership of Sponsor Helen Sansom and Coach Bonnie McClure, the Floyd cheerleaders became eligible to participate in the Nationals for the fourth consecutive year by winning first place at a Jacksonville State University NCA Camp, competing with 58 schools, both high school and junior high, from a four-state area; and

WHEREAS, sharing the credit and glory of a National Championship are cheerleaders Amy Allen, Shallene Austin, Kelli Billingsley, Jill Birchfield, Mitzi Cochran, Robyn D'Olimpio, Bliss Hawthorne, Michelle Hidle, Gina Lassiter, Jennifer Mills, Michelle Mills, Pam Noble, Patricia Noble, Jennifer Prine, Kim Rhodes and Keisa Sharpe; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we hereby most heartily congratulate the Floyd Junior High School Cheerleader Team, Montgomery, Alabama, as National Champions of the Junior High School Division and direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

**S. J. R. 32. COMMENDING FAYETTE COUNTY DEPUTY SHERIFF JOE STOUGH FOR DISTINGUISHED PERFORMANCE OF DUTY.**

WHEREAS, the Legislature of Alabama notes with highest honor and esteem the lifesaving actions of Fayette County Deputy Sheriff Joe Stough on October 3, 1986; and

WHEREAS, it was on that date that Deputy Stough and his partner were called to the scene of a shooting incident in the Berry High School parking lot that had left a young woman critically wounded and on the point of death; and

WHEREAS, upon arriving at the scene, Deputies Stough and Harold Pendley rushed immediately to the victim's aid, administering the necessary emergency treatment that was to save her life; and

WHEREAS, gravely wounded by two shotgun blasts to the face, and from point blank range, the victim was literally choking on her own blood; by applying pressure bandages to her wounds, however, and inserting an airway to clear her throat, officers Stough and Pendley managed to keep the victim alive until the ambulance arrived and she was transported to the hospital; and

WHEREAS, Deputy Joe Stough and his partner are deserving indeed of highest praise and honor, both for their willingness to "become involved" and for reacting to the emergency at hand with a calm and confidence that was entirely in keeping with their professionalism as exemplary officers of the law, and in a manner that attests to their training as certified EMTs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding performance of duty and for his lifesaving actions on October 3, 1986, we hereby commend Fayette County Deputy Sheriff Joe Stough, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Langford and Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. COMMENDING ANTHONY P. VOYLES OF MONTGOMERY, ALABAMA, 1987 MARCH OF DIMES NATIONAL AMBASSADOR.

WHEREAS, the Legislature of Alabama notes with pride and pleasure the selection of young Anthony P. Voyles of Montgomery as the 1987 March of Dimes National Ambassador; and

WHEREAS, Tony Voyles, the eleven-year-old son of Palmer and Dona Voyles and a sixth grade student at Maxwell Elementary School, was born with congenital transverse hemimelia, a condition that affects some 1,500 infants born annually in the United States; as a result of his right arm ending at the elbow, Tony has worn a prosthesis since infancy; and

WHEREAS, despite his handicap, Tony is an outstanding athlete who enjoys such sports as swimming, soccer and football; he also is now a golfer having participated this past year in several March of Dimes tournaments throughout the country; and

WHEREAS, Tony Voyles, with the support and encouragement of his family, has been a March of Dimes volunteer since 1984 in his role as the North Carolina State Poster Child; he later served as a Special Ambassador, appearing on BornAmerica, the 1986 March of Dimes television event, along with numerous national celebrities; and

WHEREAS, Tony, through these experiences, is well prepared indeed to serve as National Ambassador and we share the honor and pride of his selection with his parents and sister, Tanya, as well as with all citizens of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Anthony P. Voyles as the 1987 March of Dimes National Ambassador, and for his many volunteer efforts and activities with the March of Dimes in

the organization's mission of preventing birth defects, the number one child health problem in America.

BE IT FURTHER RESOLVED, That in token of our deep admiration and regard, copies of this resolution shall be presented to Tony and his family.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING HUGO STONE FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service rendered by Hugo Stone to the citizens of Marion County, Alabama, and to the Marion County Commission; and

WHEREAS, prior to retirement as a dedicated public servant in January 1987, Mr. Stone served as a member of the commission for a period of 12 years, a distinguished tenure marked in achievement, and in accomplishments on behalf of all citizens of Marion County; and

WHEREAS, on the occasion of Mr. Stone's retirement, he was honored at a special luncheon and ceremonies at the Marion County Courthouse which were attended by numerous family members, friends and colleagues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Marion County, Alabama, in commending Hugo Stone for outstanding service to the Marion County Commission and direct that he receive a copy of this resolution of highest honor and esteem.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. URGING STATE TREASURER GEORGE WALLACE, THROUGH THE POWER OF HIS OFFICE, TO DEPOSIT STATE FUNDS ONLY WITH THOSE FINANCIAL INSTITUTIONS THAT VOLUNTARILY REDUCE THE RATE OF INTEREST CHARGED ON CREDIT CARDS AND OTHER FORMS OF OPEN-END CREDIT.

WHEREAS, the interest rates charged by financial institutions in Alabama on credit cards and other forms of open-end credit are among the very highest in the nation; and

WHEREAS, though finance charges for many other forms of credit have fallen drastically, even to single digit rates, Alabama banks have shown no indication of voluntarily reducing consumer costs for credit card use; and

WHEREAS, this refusal by said institutions to lower credit card rates is a policy that directly and detrimentally affects all citizens in the State of Alabama; and

WHEREAS, we further note that millions of dollars in state funds are currently deposited in many of these same financial institutions whose policies are punitive to Alabama consumers; and

WHEREAS, our State Treasurer, however, through the power of his office, is in a position to take drastic yet corrective measures simply by depositing taxpayer funds only with those banks and other institutions that are willing to lower their credit card rates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge State Treasurer George Wallace to use the discretionary power of his office, depositing state funds only with those institutions willing to voluntarily reduce their credit card rates, and to withdraw all state funds from those institutions refusing to lower their current and exorbitant rate of interest for this form of credit.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to State Treasurer George Wallace that he may be aware of this urgent request of the Legislature and that he might take appropriate and immediate action in the best interests of the citizens of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 36. COMMENDING BRADY BACCUS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

WHEREAS, the Legislature notes with highest commendation the distinguished service rendered by Brady Baccus to the citizens of Marion County, Alabama, and to the Marion County Commission; and

WHEREAS, prior to retirement in January 1987, Mr. Baccus served the commission for a period of 31 years and seven months, a distinguished tenure marked in achievement, and in accomplishments on behalf of all citizens of Marion County; and

WHEREAS, Mr. Baccus, as a dedicated public servant, was a member of the commission for 20 years, including eight years as chairman, and was employed by the commission for 11 years and seven months; and

WHEREAS, on the occasion of Mr. Baccus' retirement, he was honored at a special luncheon and ceremonies at the Marion County Courthouse, which were attended by numerous family members, friends and colleagues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Marion County, Alabama, in commending Brady Baccus for outstanding service to the Marion County Commission and direct that he receive a copy of this resolution of highest honor and esteem.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

#### NOTICE IN WRITING

Senator Parsons offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule 59 as follows:

RULE 59. (a) No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

(b) It is expressly provided that each meeting of each standing committee of the Senate shall be open to the public and notice of the meeting and the agenda shall be posted on the door of the meeting room before 5:00 p.m. on the day preceding the date of the meeting. No action shall be taken except on matters listed in such agenda. Any action taken on matters or bills not included in said notice and agenda shall be void and considered not acted on by any committee.

Which was read and ordered spread upon the Journal.

### RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 37. COMMENDING OFFICER BILLY WINFORD KILLIAN OF THE HUNTSVILLE POLICE DEPARTMENT.

Which was filed.

### RECESS

At 12:20 P.M., on motion of Senator deGraffenried, the Senate took a recess until 1:30 this afternoon.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 115, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Goodwin  | Menton    |     |
| Amari     | Covington     | Hand     | Parsons   |     |
| Barron    | deGraffenried | Hilliard | Rice      |     |
| Bedford   | Denton        | Holmes   | Sanders   |     |
| Bedsole   | Dixon         | Horn     | Smith (B) |     |
| Bishop    | Drinkard      | Manley   | Smith (J) |     |
| Cabaniss  | Ellis         |          |           | —25 |

*Nays:* —0

### BILLS ON THIRD READING

THE BILL:

S. 115. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Goodwin  | Menton    |
| Amari     | Covington     | Hand     | Parsons   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dixon         | Horn     | Smith (B) |
| Bishop    | Drinkard      | Manley   | Smith (J) |
| Cabaniss  | Ellis         |          |           |

—25

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 116, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Goodwin  | Menton    |
| Amari     | Covington     | Hand     | Parsons   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dixon         | Horn     | Smith (B) |
| Bishop    | Drinkard      | Manley   | Smith (J) |
| Cabaniss  | Ellis         |          |           |

—25

*Nays:* —0

### BILLS ON THIRD READING RESUMED

THE BILL:

S. 116. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Goodwin  | Menton    |
| Amari     | Covington     | Hand     | Parsons   |
| Barron    | deGraffenried | Hilliard | Rice      |
| Bedford   | Denton        | Holmes   | Sanders   |
| Bedsole   | Dixon         | Horn     | Smith (B) |
| Bishop    | Drinkard      | Manley   | Smith (J) |
| Cabaniss  | Ellis         |          |           |

—25

*Nays:* —0

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate

Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

**S. R. 25. RELATIVE TO ADJOURNMENT.**

The Standing Committee on Rules reported the following substitute for the Resolution, S. R. 25, to-wit:

Rules Committee Substitute for S. R. 25

**BE IT RESOLVED BY THE SENATE OF ALABAMA,** That when we adjourn today, we adjourn to meet again on May 6, 1987, at 12:01 a.m.

On motion of Senator Smith (J), further consideration of the Resolution, S. R. 25, and pending substitute, was postponed subject to the Call of the Chair.

**RESOLUTION**

Senators Bennett, Parsons, Cabaniss, Hilliard, Horn, Dial, Bailey, Barron, Bedford, Bedsole, Bishop, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Holmes, Langford, Manley, Menton, Preuitt, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**S. J. R. 38. WELCOMING EMILY ELIZABETH AMARI.**

**WHEREAS,** the population of metropolitan Birmingham increased by 1 to 911,051 on May 1, 1987 with the birth of Emily Elizabeth Amari; and

**WHEREAS,** young Emily's parents, State Senator John Amari and Terri Amari, were extremely pleased to welcome the 8 pound 10 ounce addition to their "growing" family as well as older sisters and brothers, Katie, Johnny, Joseph and Mary; and

**WHEREAS,** Emily's arrival at 10:25 A.M. Friday was also widely noted in Jefferson County's Italian community, which thanks to the Amaris, is undergoing rapid expansion; and

**WHEREAS,** potential opponents of the two-term Senator were heard to say the Amari family voting bloc was becoming too much of an obstacle to tackle; now therefore,

**BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING,** That we hereby extend our congratulations to John and Terri Amari on the birth of young Emily; and

**BE IT FURTHER RESOLVED,** That it wishes only the best for Jefferson County's newest resident throughout her lifetime.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint



Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 1. COMMENDING JACK BISHOP OF SLOUGH, BERKS, ENGLAND, FOR HIS LEADERSHIP IN THE ESTABLISHMENT OF AN INTERCHANGE PROGRAM BETWEEN THE DOTHAN, ALABAMA, AND SLOUGH ROTARY CLUBS.

JIM SMITH,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 71. NAMING WASHINGTON COUNTY HIGHWAY 1, THE "S. RAY COAKER HIGHWAY".

Also:

H. J. R. 72. NAMING THE BRIDGE AT ALABAMA HIGHWAY 178 IN THE TOWN OF FULTON, CLARKE COUNTY, ALABAMA, THE "JACK L. DOZIER BRIDGE."

Also:

H. J. R. 73. CONGRATULATING THE APPALACHIAN HIGH SCHOOL "BLUE PRIDE" EAGLES ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

H. J. R. 74. CONGRATULATING COACH SHARON STANDRIDGE AND HER ONEONTA HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON THEIR OUTSTANDING 1986-1987 SEASON AND HIGH STATE RANKING.

Also:

H. J. R. 75. CONGRATULATING THE ONEONTA HIGH SCHOOL REDSKINS ON THEIR OUTSTANDING FOOTBALL SEASON.

Also:

H. J. R. 78. COMMENDING COACH IOLA B. T. BAYLOR AND THE BRIGHTON HIGH SCHOOL LADY BEARS ON THEIR OUTSTANDING BASKETBALL PROGRAM.

Also:

H. J. R. 79. COMMENDING SONSEEAHRAY CORE OF BRIGHTON HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 83. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON FINISHING ITS SEASON THIRD IN THE NATION.

Also:

H. J. R. 85. MOURNING THE DEATH OF OMA LEE HUGHES OF GADSDEN, ALABAMA.

Also:

H. J. R. 86. COMMENDING THE SAND VALLEY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 87. COMMENDING THE EGYPT VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 94. SUPPORT OF FLORIDA-ESCAMBIA COMMISSION.

Also:

H. J. R. 98. WISHING OUR FRIEND AND FORMER COLLEAGUE, JOE McCORQUODALE OF JACKSON, A SPEEDY AND COMPLETE RECOVERY.

Also:

H. J. R. 100. COMMENDING HOMER NEAL LEWIS FOR OUTSTANDING SERVICE TO FFA AND TO AGRIBUSINESS IN ALABAMA.

Also:

H. J. R. 101. COMMENDING ROSE MARY SANDERS OF SELMA, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **RECESS**

At 2:10 P.M., on motion of Senator Smith (J), the Senate took a fifteen minute recess.

The recess period having expired, at 2:25 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. W. R. Collins to the Alabama Banking Board.

On motion of Senator Smith (J), the appointment of Mr. Collins was confirmed by the Senate.

Yeas 22; Nays 1.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Campbell      | Hale   | Parsons   |
| Barron    | deGraffenried | Hand   | Preuitt   |
| Bedford   | Dial          | Holmes | Rice      |
| Bedsole   | Dixon         | Horn   | Smith (B) |
| Bennett   | Drinkard      | Manley | Smith (J) |
| Cabaniss  | Foshee        | Menton |           |

—22

*Nay:* Senator Corbett

—1

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of General Ivan F. Smith as Adjutant General of Alabama.

On motion of Senator Goodwin, the appointment of Adjutant General Smith was confirmed by the Senate.

Yeas 25; Nays 1.

*Yeas:*

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Dial     | Hale     | Parsons   |
| Amari         | Dixon    | Hand     | Preuitt   |
| Bailey        | Drinkard | Horn     | Rice      |
| Bedford       | Ellis    | Langford | Sanders   |
| Bedsole       | Figures  | Manley   | Smith (B) |
| Cabaniss      | Foshee   | Menton   | Smith (J) |
| deGraffenried | Goodwin  |          |           |

—25

*Nay:* Senator Corbett

—1

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Ned L. Turnipseed as Deputy Adjutant General.

On motion of Senator Smith (J), the appointment of Deputy Adjutant General Turnipseed was confirmed by the Senate.

Yeas 25; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hand     | Parsons   |     |
| Amari     | Dial          | Holmes   | Preuitt   |     |
| Bailey    | Dixon         | Horn     | Rice      |     |
| Bedford   | Drinkard      | Langford | Sanders   |     |
| Bedsole   | Ellis         | Manley   | Smith (B) |     |
| Cabaniss  | Foshee        | Menton   | Smith (J) |     |
| Campbell  | Hale          |          |           | —25 |

*Nay:* Senator Corbett —1

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Zack Thompson as the Superintendent of Banking.

On motion of Senator Smith (J), the appointment of Mr. Thompson was confirmed by the Senate.

Yeas 21; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Hand     | Preuitt   |     |
| Amari     | deGraffenried | Holmes   | Rice      |     |
| Bailey    | Dixon         | Horn     | Sanders   |     |
| Bedsole   | Drinkard      | Langford | Smith (B) |     |
| Cabaniss  | Foshee        | Menton   | Smith (J) |     |
| Campbell  | Hale          |          |           | —21 |

*Nay:* Senator Corbett —1

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John Goodson to the Alabama Forestry Commission.

On motion of Senator Smith (J), the appointment of Mr. Goodson was confirmed by the Senate.

Yeas 21; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Hand     | Menton    |     |
| Amari     | Covington     | Holmes   | Preuitt   |     |
| Bailey    | deGraffenried | Horn     | Rice      |     |
| Bedsole   | Dixon         | Langford | Smith (B) |     |
| Bennett   | Drinkard      | Manley   | Smith (J) |     |
| Cabaniss  | Hale          |          |           | —21 |

*Nay:* Senator Corbett —1

## RECESS

At 3:05 P.M., on motion of Senator Smith (J), the Senate took a recess subject to the Call of the Chair.

The recess period having expired, at 4:15 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of William James Samford, Jr., to the Board of Trustees, Auburn University.

Senator Goodwin rose to a Point of Personal Privilege and read the following letter to the Senate, to-wit:

May 5, 1987

TO THE MEMBERS OF THE ALABAMA STATE SENATE:

It has been a great honor and privilege for me to serve on the Board of Trustees of Auburn University since 1971. This period of 16 years has been an exciting time for Auburn University. It is a source of tremendous satisfaction to me that during these years many progressive changes have taken place. Many capital improvements have been made and the academic environment has been greatly enhanced through such programs as the Generations Fund Drive, Eminent Scholars Program, higher academic standards, greater faculty participation in University affairs, and overall improvement in the programs offered to students.

I want to thank Governor Wallace for appointing me to the Auburn Board on three occasions, including a new term commencing in January 1987. I express special appreciation to those Senators who supported my reappointment and who have expressed their concern over the fact that I will not continue to serve.

I appreciate the support and interest of those persons who have written letters and signed petitions in my behalf. I also appreciate the concern of those persons in the Auburn family who have expressed regret that I will no longer serve on the Auburn Board of Trustees.

Because I do not want to be a divisive force in the orderly transaction of the affairs of the Senate and of Auburn University, I am today asking those Senators who support my reappointment to allow the confirmation process to move forward.

I will continue to support Auburn University as well as every facet of education in our state, just as I have in the past.

Thank you for your consideration.

Sincerely,

HENRY B. STEAGALL II

Whereupon, on motion of Senator Rice, Mr. Samford was confirmed by the Senate.

Yeas 31; Nays 1.

Yeas:

|                      |               |          |           |     |
|----------------------|---------------|----------|-----------|-----|
| Senators:            | Cabaniss      | Ellis    | Horn      |     |
| Amari                | Campbell      | Figures  | Langford  |     |
| Bailey               | Covington     | Foshee   | Manley    |     |
| Barron               | deGraffenried | Goodwin  | Menton    |     |
| Bedford              | Denton        | Hale     | Preuitt   |     |
| Bedsole              | Dial          | Hand     | Rice      |     |
| Bennett              | Dixon         | Hilliard | Smith (B) |     |
| Bishop               | Drinkard      | Holmes   | Smith (J) | —31 |
| Nay: Senator Corbett |               |          |           | —1  |

**MOTION TO ADJOURN**

Senator Smith (J) moved that when the Senate adjourns, it adjourn to meet again on Thursday, May 7, 1987, at 11 o'clock A.M.

Senator Denton offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday at 9:30 A.M. On motion of Senator Smith (J), the substitute motion was laid on the table.

The question then recurred on the motion of Senator Smith (J), that when the Senate adjourns today it adjourn to meet again on Thursday, May 7, 1987, at 11 o'clock A.M., and said motion was adopted.

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of John Denson to the Board of Trustees, Auburn University.

On motion of Senator Rice, the appointment of Mr. Denson was confirmed by the Senate.

Yeas 29; Nays 1.

Yeas:

|                      |               |          |           |     |
|----------------------|---------------|----------|-----------|-----|
| Senators:            | Cabaniss      | Foshee   | Manley    |     |
| Amari                | Covington     | Hale     | Menton    |     |
| Bailey               | deGraffenried | Hand     | Parsons   |     |
| Barron               | Denton        | Hilliard | Preuitt   |     |
| Bedford              | Dial          | Holmes   | Rice      |     |
| Bedsole              | Dixon         | Horn     | Smith (B) |     |
| Bennett              | Drinkard      | Langford | Smith (J) | —29 |
| Bishop               | Ellis         |          |           |     |
| Nay: Senator Corbett |               |          |           | —1  |

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Bessie Mae Holloway to the Board of Trustees, Auburn University.

On motion of Senator Menton, the appointment of Ms. Holloway was confirmed by the Senate.

Yeas 32; Nays 1.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Langford  |
| Amari     | Covington     | Foshee   | Manley    |
| Bailey    | deGraffenried | Goodwin  | Menton    |
| Barron    | Denton        | Hale     | Parsons   |
| Bedford   | Dial          | Hand     | Preuitt   |
| Bedsole   | Dixon         | Hilliard | Rice      |
| Bennett   | Drinkard      | Holmes   | Smith (B) |
| Bishop    | Ellis         | Horn     | Smith (J) |
| Cabaniss  |               |          |           |

—32

*Nay:* Senator Corbett —1

### RESOLUTION

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FUTURE U. S. ENERGY NEEDS.

WHEREAS, the United States currently depends on oil imports for nearly 40 percent of U. S. demand, with imports possibly making up 50 percent or more of domestic supplies in three to five years if current trends continue; and

WHEREAS, such heavy reliance on oil imports undermines national security, weakens the U. S. economy, costs American jobs and worsens the trade deficit; and

WHEREAS, such overdependence on foreign oil is particularly dangerous at a time of continuing political turmoil and terrorism throughout the Middle East; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) could regain its control over world oil prices, thereby subjecting U. S. consumers to sharply rising prices and a return to the severe energy disruptions of the 1970s; and

WHEREAS, it is in the nation's economic and security interests to take steps now to encourage increased domestic energy production and reduced dependence on oil imports from insecure foreign sources; and

WHEREAS, in its recent draft report to Congress, the U. S. Department of the Interior stated that the Arctic National Wildlife Refuge coastal plain "is clearly the most outstanding oil and gas frontier remaining in the United States, and could contribute substantially to our domestic energy supplies," and proposed that the coastal plain be opened to leasing; and

WHEREAS, development of the Alaskan North Slope oil fields has clearly demonstrated that petroleum operations are compatible with the Alaskan arctic environment and wildlife; and

WHEREAS, should petroleum development occur, less than one-tenth of one percent of the total ANWR area would be affected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support for development of the resources of the Arctic National Wildlife Refuge coastal plain to provide for future U. S. energy needs and to reduce the dangerous overdependence on oil imports.

BE IT FURTHER RESOLVED, That we urge the Congress to act expeditiously to enact ANWR development legislation and to reject proposals providing for permanent bans on oil and natural gas leasing on the coastal plain.

RESOLVED FURTHER, That copies of this resolution be forwarded to the members of the Alabama Congressional Delegation.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Emory Cunningham to the Board of Trustees, Auburn University.

On motion of Senator Rice, the appointment of Mr. Cunningham was confirmed by the Senate.

Yeas 24; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Manley    |
| Bailey    | deGraffenried | Hand     | Parsons   |
| Barron    | Denton        | Hilliard | Preuitt   |
| Bedsole   | Dixon         | Holmes   | Rice      |
| Bennett   | Drinkard      | Horn     | Smith (B) |
| Bishop    | Ellis         | Langford | Smith (J) |
| Cabaniss  |               |          |           |

—24

Nay: Senator Corbett

—1

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Judy Hooper to the Athletic Commission.

On motion of Senator Smith (J), the appointment of Mrs. Hooper was confirmed by the Senate.



Yeas 24; Nays 1.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hale     | Menton    |
| Bailey    | Denton        | Hand     | Parsons   |
| Barron    | Dixon         | Holmes   | Preuitt   |
| Bedsole   | Drinkard      | Horn     | Rice      |
| Bennett   | Ellis         | Langford | Smith (B) |
| Cabaniss  | Foshee        | Manley   | Smith (J) |
| Campbell  |               |          |           |

—24

*Nay:* Senator Corbett

—1

### OBJECTION TO INTRODUCTION OF RESOLUTION

Senator Rice requested that the Journal reflect the following procedure: He, Senator Rice, requested unanimous consent to be allowed to offer a Resolution, and, on objection of Senator Corbett, said consent was not granted.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolution delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 1

Delivered to the Governor May 5, 1987, at 2:25 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 4:55 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, May 7, 1987, at 11 o'clock A.M.

## **SIXTH LEGISLATIVE DAY**

**THURSDAY, MAY 7, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Steve Rogers, Pastor, Riverside Heights Baptist Church, Tallassee, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Tony Voyles, 1987 National Ambassador for the March of Dimes, Maxwell Elementary School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Hale     | Parsons   |
| Barron    | deGraffenried | Hand     | Preuitt   |
| Bedford   | Denton        | Hilliard | Rice      |
| Bedsole   | Dial          | Holmes   | Sanders   |
| Bennett   | Dixon         | Horn     | Smith (B) |
| Bishop    | Drinkard      | Langford | Smith (J) |
| Cabaniss  | Ellis         |          |           |

—33

### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Goodwin for today.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 40. ORDER OF BUSINESS FOR 6TH LEGISLATIVE DAY.**

RESOLVED BY THE SENATE, That pursuant to Rule 9 of the S. R., the regular order of business is set aside and the following order of business shall be the paramount order of business taking precedence over all other matters for the sixth legislative day of the 1987 Regular Session:

1. Committee Reports
2. Motions and Resolutions
3. Uncontested local bills

Provided, however, that House Messages may be received at any time, even if another question is being debated.

On motion of Senator Smith (J), said Resolution was adopted by the Senate.

**REPORTS OF COMMITTEES**

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Clark (J), Higginbotham, Flowers, McMillan, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Hooper, White (L), Layson, Turnham, Harper, Wright, Hall, Starkey, Hettinger, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Penry, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, Box, and Newman:

H. 23. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, and periodic payment; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and

attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor against it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code

the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date that the alleged professional breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that an attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damages against a health care provider based upon a breach of the standard of care in excess of specified limits and to provide that the limitations shall apply regardless of whether recovery is by settlement, arbitration or judgment or whether the person for whom the recovery is made is a responsible adult, an infant or a person of unsound mind and to provide that if periodic payments are made to the plaintiff the Court shall place a total value of such payments based upon the projected life expectancy of the plaintiff and shall include this amount in computing the total award from which attorney's fees are calculated under this section and to provide for the definition of the term "recovered"; to provide that this Act shall apply to all actions against health

care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

### MOTION TO READ AT LENGTH

Senator Corbett moved that, under the provisions of Senate Rule 24, all bills on second reading be read at length.

The President and Presiding Officer ruled that bills on second reading would be read by title only.

Senator Corbett then moved that the Bill, H. B. 23, be re-committed, due to the fact that it was not read at length.

On motion of Senator Smith (J), the motion to re-commit was laid on the table.

### REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Senator Manley:

S. 334. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to

provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers

in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

### MOTION TO RE-COMMIT

Senator Parsons moved that the Bill, S. B. 334, be re-committed.

On motion of Senator Smith (J), the motion to re-commit was laid on the table.

Yeas 21; Nays 10.

Yeas:

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Cabaniss      | Ellis  | Menton    |
| Amari     | deGraffenried | Foshee | Preuitt   |
| Bailey    | Denton        | Hand   | Rice      |
| Barron    | Dial          | Horn   | Smith (B) |
| Bedsole   | Dixon         | Manley | Smith (J) |
| Bishop    | Drinkard      |        |           |



*Nays:*

|           |           |          |         |     |
|-----------|-----------|----------|---------|-----|
| Senators: | Campbell  | Figures  | Parsons |     |
| Bedford   | Corbett   | Hilliard | Sanders |     |
| Bennett   | Covington | Langford |         | —10 |

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I move that S. B. 334 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 22; Nays 7.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Dixon    | Manley    |     |
| Amari     | Cabaniss      | Drinkard | Menton    |     |
| Bailey    | Covington     | Ellis    | Preuitt   |     |
| Barron    | deGraffenried | Foshee   | Smith (B) |     |
| Bedford   | Denton        | Hand     | Smith (J) |     |
| Bedsole   | Dial          | Horn     |           | —22 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Hilliard | Parsons |    |
| Campbell  | Figures | Langford | Sanders | —7 |

And said Bill, S. B. 334, was read a second time and placed on the calendar.

**REPORTS OF COMMITTEES RESUMED**

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Senators Barron, Dial, Bedford, Manley, Ellis, Preuitt, Rice, Hand, Bailey, Foshee, Covington, Bedsole, Drinkard, Dixon, Denton, Menton, Hale, Holmes, Horn, and deGraffenried:

S. 287. Providing that elected public officials shall be members of the executive committee of their respective political parties; providing procedure for declining such membership; providing that certain judges and officials shall be exempt from the provisions of this act; and providing for certain annual meetings for such parties.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I move that S. B. 287 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 20; Nays 7.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Drinkard | Manley    |
| Amari     | deGraffenried | Foshee   | Menton    |
| Bailey    | Denton        | Hale     | Preuitt   |
| Barron    | Dial          | Hand     | Smith (B) |
| Bedsole   | Dixon         | Horn     | Smith (J) |
| Cabaniss  |               |          |           |

—20

*Nays:*

|           |         |          |          |
|-----------|---------|----------|----------|
| Senators: | Bennett | Figures  | Langford |
| Bedford   | Corbett | Hilliard | Parsons  |

—7

And said Bill, S. B. 287, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 24. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and amending the said Section 232 so as to delete the present provision in said Section 232 regarding suits against foreign corporations and providing that any foreign corporation, whether or not such foreign corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that H. B. 24 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 23; Nays 6.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Manley    |
| Amari     | Covington     | Ellis    | Menton    |
| Bailey    | deGraffenried | Foshee   | Preuitt   |
| Barron    | Denton        | Hale     | Rice      |
| Bedsole   | Dial          | Hand     | Smith (B) |
| Bennett   | Dixon         | Horn     | Smith (J) |

—23

*Nays:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Figures  | Langford | Sanders |
| Corbett   | Hilliard | Parsons  |         |

—6

Senator Parsons moved that said Bill, H. B. 24, be re-committed, due to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Smith (J), the motion to re-commit was laid on the table.

Yeas 18; Nays 7.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Cabaniss      | Foshee | Menton    |
| Amari     | deGraffenried | Hale   | Preuitt   |
| Bailey    | Denton        | Hand   | Smith (B) |
| Barron    | Drinkard      | Horn   | Smith (J) |
| Bedsole   | Ellis         | Manley |           |

—18

*Nays:*

|           |          |         |          |
|-----------|----------|---------|----------|
| Senators: | Bennett  | Corbett | Langford |
| Bedford   | Campbell | Figures | Parsons  |

—7

And said Bill, H. B. 24, was read a second time at length as required by the Constitution and placed on the calendar.

## REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

By Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley,

Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman (With Amendment):

H. 25. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that H. B. 25 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 17; Nays 6.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Hale   | Menton    |
| Barron    | Dial          | Hand   | Preuitt   |
| Bedford   | Dixon         | Horn   | Smith (B) |
| Bedsole   | Drinkard      | Manley | Smith (J) |
| Cabaniss  | Ellis         |        |           |

—17

*Nays:*

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Corbett | Langford | Sanders |
| Bennett   | Figures | Parsons  |         |

—6

Senator Parsons moved that said Bill, H. B. 25, be re-committed, due to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Smith (J), the motion to re-commit was laid on the table.

Yeas 20; Nays 6.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Dixon    | Horn      |
| Amari     | Covington     | Drinkard | Manley    |
| Bailey    | deGraffenried | Ellis    | Menton    |
| Barron    | Denton        | Hale     | Preuitt   |
| Bedford   | Dial          | Hand     | Smith (J) |
| Bedsole   |               |          |           |

—20

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Langford | Sanders |    |
| Bennett   | Figures | Parsons  |         | —6 |

And said Bill, H. B. 25, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, Box, and Newman:

H. 26. To amend Code of Alabama 1975, as amended, §6-5-430, relating to the enforcement of claims originating outside this state to include claims under the common law and statutes of the United States; to provide for the application of the doctrine forum non conveniens; and to provide for dismissal of any such action where a more appropriate forum exists outside this state; and to provide for the conditioning of such dismissal on certain consents by the defendant.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that H. B. 26 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 23; Nays 5.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Dial     | Hand      |     |
| Amari     | Cabaniss      | Dixon    | Horn      |     |
| Bailey    | Campbell      | Drinkard | Manley    |     |
| Barron    | Covington     | Ellis    | Menton    |     |
| Bedford   | deGraffenried | Foshee   | Preuitt   |     |
| Bedsole   | Denton        | Hale     | Smith (J) | —23 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Langford | Parsons |    |
| Bennett   | Figures |          |         | —5 |

Senator Parsons moved that said Bill, H. B. 26, be re-committed, due

to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Smith (J), the motion to re-commit was laid on the table.

Yeas 23; Nays 5.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bennett       | Dixon    | Horn      |     |
| Amari     | Bishop        | Drinkard | Manley    |     |
| Bailey    | Cabaniss      | Ellis    | Menton    |     |
| Barron    | deGraffenried | Foshee   | Pruitt    |     |
| Bedford   | Denton        | Hale     | Smith (B) |     |
| Bedsole   | Dial          | Hand     | Smith (J) | —23 |

*Nays:*

|           |          |         |         |    |
|-----------|----------|---------|---------|----|
| Senators: | Figures  | Parsons | Sanders |    |
| Corbett   | Langford |         |         | —5 |

And said Bill, H. B. 26, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Pruitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Higginbotham, Clark (J), Carothers, Flowers, McMillan, Carter, Johnson (RG), Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Knight, Turner, Penry, Reed, Freeman, Walker, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 27. Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, liability for punitive damages as defined within this Act must be proved by the overwhelming weight of the clear and convincing evidence and the amount of such damages shall not exceed the amount of any damages assessed against the defendant other than punitive damages or \$100,000, whichever is less; to provide that, in tort cases arising out of a contract, punitive damages shall only be awarded when the plaintiff is entitled to recover on the contract claim as a matter of law; to provide that this Act does not create a cause of action or right to recover punitive damages; to provide for definitions of certain terms used in this Act; to provide that a principal shall not be liable for punitive damages based on the acts or omissions of an agent unless the principal had advance knowledge of unfitness of the agent and employed him with conscious disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill become law.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I move that H. B. 27 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 21; Nays 5.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Bishop        | Drinkard | Horn      |
| Amari     | Cabaniss      | Ellis    | Menton    |
| Bailey    | deGraffenried | Foshee   | Preuitt   |
| Barron    | Denton        | Hale     | Smith (B) |
| Bedford   | Dial          | Hand     | Smith (J) |
| Bedsole   | Dixon         |          |           |

—21

*Nays:*

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Corbett | Langford | Parsons |
| Bennett   | Figures |          |         |

—5

Senator Parsons moved that said Bill, H. B. 27, be re-committed, due to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Dial, the motion to re-commit was laid on the table.

Yeas 22; Nays 4.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Bennett       | Dixon    | Horn      |
| Amari     | Bishop        | Drinkard | Menton    |
| Bailey    | Cabaniss      | Ellis    | Preuitt   |
| Barron    | deGraffenried | Foshee   | Smith (B) |
| Bedford   | Denton        | Hale     | Smith (J) |
| Bedsole   | Dial          | Hand     |           |

—22

*Nays:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Langford | Parsons | Sanders |
| Corbett   |          |         |         |

—4

And said Bill, H. B. 27, was read a second time and placed on the calendar.

**REPORTS OF COMMITTEES RESUMED**

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Flowers, Clark (J), Carothers, Higginbotham, McMillan, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird,

Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 28. Relating to the admissibility of certain evidence in civil actions for personal injury or property damage; to provide that in all civil actions for personal injury or property damage, evidence relating to reimbursement or payment of plaintiff's damages allegedly incurred as a result of the acts or omissions complained of shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that the plaintiff's obligation to repay the reimbursor shall be admissible; to provide that in all such civil actions evidence of the tax implications to the plaintiff of any damage award shall be admissible; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and, to provide for an effective date of this Act.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that H. B. 28 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 18; Nays 6.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Menton    |     |
| Bailey    | deGraffenried | Ellis    | Preuitt   |     |
| Barron    | Denton        | Hale     | Smith (B) |     |
| Bedford   | Dial          | Hand     | Smith (J) |     |
| Bedsole   | Dixon         | Horn     |           | —18 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Langford | Sanders |    |
| Bennett   | Figures | Parsons  |         | —6 |

Senator Parsons moved that said Bill, H. B. 28, be re-committed, due to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Smith (J), the motion to re-commit was laid on the table.



Yeas 19; Nays 4.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bennett       | Dial     | Hand      |     |
| Bailey    | Cabaniss      | Dixon    | Menton    |     |
| Barron    | Covington     | Drinkard | Preuitt   |     |
| Bedford   | deGraffenried | Ellis    | Smith (B) |     |
| Bedsole   | Denton        | Foshee   | Smith (J) | —19 |

*Nays:*

|           |          |         |         |    |
|-----------|----------|---------|---------|----|
| Senators: | Langford | Parsons | Sanders |    |
| Corbett   |          |         |         | —4 |

And said Bill, H. B. 28, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Rep. Freeman:

H. 81. Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and future damages assessed against that defendant, but that, upon motion of the defendant, the judgment for future damages must be structured over a period not to exceed 15 years so long as the court receives adequate assurance that the defendant can and will make all required payments and so long as the court does not determine that the structure would be manifestly unjust under the circumstances of the case; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or effects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that H. B. 81 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 17; Nays 5.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Cabaniss      | Ellis  | Menton    |     |
| Bailey    | Covington     | Foshee | Preuitt   |     |
| Barron    | deGraffenried | Hale   | Smith (B) |     |
| Bedford   | Dial          | Hand   | Smith (J) |     |
| Bedsole   | Drinkard      |        |           | —17 |

*Nays:*

|           |          |         |         |    |
|-----------|----------|---------|---------|----|
| Senators: | Figures  | Parsons | Sanders |    |
| Corbett   | Langford |         |         | —5 |

Senator Parsons moved that said Bill, H. B. 81, be re-committed, due to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Drinkard, the motion to re-commit was laid on the table.

Yeas 16; Nays 4.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Dixon    | Hand      |     |
| Bailey    | deGraffenried | Drinkard | Menton    |     |
| Barron    | Denton        | Foshee   | Preuitt   |     |
| Bedford   | Dial          | Hale     | Smith (B) |     |
| Bishop    |               |          |           | —16 |

*Nays:*

|           |          |         |         |    |
|-----------|----------|---------|---------|----|
| Senators: | Langford | Parsons | Sanders |    |
| Figures   |          |         |         | —4 |

And said Bill, H. B. 81, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Rep. Freeman:

H. 82. Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court

must also enter judgment against the obligors in the amount of the alternate value of the property as fixed by the trial court below and the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that H. B. 82 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Drinkard, said Motion in Writing was laid on the table.

Yeas 18; Nays 5.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Bishop        | Dixon    | Hand      |
| Amari     | Cabaniss      | Drinkard | Menton    |
| Bailey    | Covington     | Ellis    | Preuitt   |
| Barron    | deGraffenried | Foshee   | Smith (B) |
| Bennett   | Denton        | Hale     |           |

—18

*Nays:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Figures  | Parsons | Sanders |
| Corbett   | Langford |         |         |

—5

Senator Parsons moved that said Bill, H. B. 82, be re-committed, due to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Drinkard, the motion to re-commit was laid on the table.

Yeas 17; Nays 5.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Hand      |
| Amari     | Covington     | Ellis    | Menton    |
| Bailey    | deGraffenried | Foshee   | Preuitt   |
| Barron    | Dial          | Hale     | Smith (B) |
| Bishop    | Dixon         |          |           |

—17

Nays:

|           |          |         |         |    |
|-----------|----------|---------|---------|----|
| Senators: | Figures  | Parsons | Sanders |    |
| Corbett   | Langford |         |         | —5 |

And said Bill, H. B. 82, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Higginbotham, Clark (J), Carothers, Flowers, McMillan, Carter, Johnson (RG), Biddle, Zoghby, Grouby, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 30. To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits or claims filed after its effective date and also to suits or claims filed prior to its effective date and which are not dismissed within 60 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

### MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that H. B. 30 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Drinkard, said Motion in Writing was laid on the table.

Yeas 16; Nays 5.

Yeas:

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Ellis  | Horn      |
| Bailey    | Dial          | Foshee | Menton    |
| Barron    | Dixon         | Hale   | Preuitt   |
| Bishop    | Drinkard      | Hand   | Smith (B) |
| Cabaniss  |               |        |           |

*Nays:*

| Senators: | Figures  | Parsons | Sanders |    |
|-----------|----------|---------|---------|----|
| Corbett   | Langford |         |         | —5 |

Senator Parsons moved that said Bill, H. B. 30, be re-committed, due to the fact that it was not read at length as required in Section 63 of the Constitution.

On motion of Senator Drinkard, the motion to re-commit was laid on the table.

Yeas 17; Nays 5.

*Yeas:*

| Senators: | deGraffenried | Foshee | Menton    |     |
|-----------|---------------|--------|-----------|-----|
| Barron    | Denton        | Hale   | Preuitt   |     |
| Bedford   | Dial          | Hand   | Rice      |     |
| Bishop    | Dixon         | Horn   | Smith (J) |     |
| Cabaniss  | Drinkard      |        |           | —17 |

*Nays:*

| Senators: | Figures  | Parsons | Sanders |    |
|-----------|----------|---------|---------|----|
| Corbett   | Langford |         |         | —5 |

And said Bill, H. B. 30, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Reps. Hooper, Higginbotham, Clark (J), Johnson (RG), Flowers, Carothers, McMillan, Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, and Newman:

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and to provide the manner in which this bill becomes law.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I move that H. B. 29 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 13; Nays 3.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Cabaniss      | Foshee | Preuitt   |     |
| Amari     | deGraffenried | Horn   | Rice      |     |
| Bailey    | Denton        | Menton | Smith (J) |     |
| Barron    | Dial          |        |           | —13 |

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Figures | Parsons | —3 |
|-----------|---------|---------|---------|----|

(The President and Presiding Officer of the Senate declared a quorum of the Senate present but not voting.)

And said Bill, H. B. 29, was read a second time and placed on the calendar.

**REPORTS OF COMMITTEES RESUMED**

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 29. To amend Section 16-5-9 of the Code of Alabama 1975, relating to the budget proposals by the Alabama Commission on Higher Education, so as to provide further for procedures and criteria relating to such budget proposals.

By Senator Drinkard:

S. 100. To amend §16-25-14(a) Code of Alabama 1975 to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 42. To amend Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which sections relate to recordation taxes levied upon deeds, bills of sale, mortgages or other instruments conveying any interest in real or personal property, so as to exempt the re-recording of such instruments executed in order to correct errors in such instruments, specifically, but not limited to, the correction of maturity dates of such instruments, for the purpose of perfecting the title to real or personal property.

By Senator Bedsole:

S. 48. To amend Section 41-9-410, Code of Alabama 1975, which provides for the composition and appointment of members of the Continuing Women's Commission, so as to provide further for the appointments of the president pro tem of the senate.

By Senator Denton:

S. 68. To propose and provide for the submission of an amendment to the Constitution of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

By Senator Denton:

S. 69. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the various county commissions the power and authority by resolution or ordinance to adopt rules and regulations providing for the assessments for the whole or any part of the cost of such collection and disposal; to provide for the orderly collection of such assessments; to provide that such assessments shall constitute a lien on the property against which they are assessed and, in the case of default in the payment of such assessments, the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes; and to provide for appeals from any such assessments.

By Senators Bennett and Bedford:

S. 130. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

By Senators Dixon, Bedsole, Cabaniss, Drinkard, and Bedford:

S. 153. To amend §34-24-367 Code of Alabama 1975, to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds in writing that the order of the Commission temporarily suspending the license was issued without statutory authority was arbitrary or capricious, constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

By Senators Dixon, Cabaniss, Drinkard, Horn, Ellis, Dial, Campbell, Preuitt, Bailey, Covington, Bennett, Hand, Manley, Parsons, Holmes, and Bedsole:

S. 155. To amend Section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

By Senator Dixon:

S. 162. To further provide for the enforcement of the controlled substances laws in the dental profession and related occupations; to further provide for the investigative powers of the board of dental examiners relating to drug or controlled substances violations; to amend Section 34-9-43, Code of Alabama 1975, as amended, relating to the general powers and duties, so as to provide that the board's investigators shall have the powers of peace officers and arrest relative to the enforcement of the drug and controlled substances laws; to further amend Sections 20-2-90 and 20-2-91, Code of Alabama 1975, as amended, relating to the enforcement of such laws and the inspections of prescriptions, orders, and records therefor, so as to authorize the investigators of the board of dental examiners to execute such powers to effectively investigate drug or controlled substances violations.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Amendment):

S. 27. To define "daylight hours" for the purpose of hunting game birds and animals.

By Senator Bedsole (With Amendment):

S. 37. To repeal §2-31-2, Code of Alabama 1975, which exempts persons who buy grain for cash at the time of purchase; and licensed public warehouses; to amend §2-31-4, Code of Alabama 1975, which provides bonding



requirements for grain dealers so as to remove the waiver of bond for those persons licensed under the United States Department of Agriculture Warehouse Act; and to waive bonding requirements for grain dealers who pay cash for grain at the time of purchase.

By Senator Bedsole (With Amendment):

S. 203. To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of felony theft laws of the State of Alabama wherein timber or lumber are the stolen items.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 45. To amend Section 9-11-54, Code of Alabama 1975, which provides for special fishing licenses for totally disabled persons, so as to provide further for said licenses and to provide for special hunting licenses for totally disabled persons.

By Senator Bedsole:

S. 46. To establish an official state nongame wildlife print or wildlife stamp; to provide for funding of the program establishing the print or stamp and to provide that the program shall be administered by the Department of Conservation and Natural Resources.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 23. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Shelby County and having its city hall or municipal headquarters located outside of the boundaries of Shelby County from annexing any future territory in Shelby County without prior referendum approval of a majority of the qualified electors of Shelby County; and providing for such referendum elections.

The above Bill was read a second time at length as required by the Constitution.

By Senator Ellis:

S. 25. Proposing an amendment to the Constitution of Alabama of 1901 relating to Shelby County so as to prohibit annexation of territory within Shelby County by out of county municipalities without a vote of the people of Shelby County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Langford (With Notice and Proof):

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

By Senator Holmes (With Notice and Proof):

S. 218. Relating to the City of Jacksonville, Calhoun County; authorizing the Jacksonville City governing body to levy an additional ad valorem tax in School District Number 53 to be used for educational purposes and providing for a referendum on such taxes.

By Senator deGraffenried (With Notice and Proof):

S. 241. Relating to Tuscaloosa County; to amend Sections 10 and 11 of Act No. 80-618, H. 852, Regular Session 1980, (Acts 1980, p. 1054), which established a public defender office in Tuscaloosa County, so as to increase court costs taxed in the circuit and district courts payable to the public defender fund.

By Senator Foshee (With Notice and Proof):

S. 261. Relating to the 12th Judicial Circuit; to increase a certain fee authorized by Section 12-17-224 of the Code of Alabama 1975, which is collected by the special services division of the district attorney's office; to authorize said special services division to collect up to a certain amount to be distributed to the person who receives a worthless check and to provide for the expenditure of the proceeds from said fees.

By Senator Foshee (With Notice and Proof):

S. 262. Relating to the Twelfth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said circuit to be paid from county funds on a share and share alike basis by the counties comprising said circuit; prescribing a certain formula for increases in such salary supplements and prescribing certain procedures and conditions relating to the payment of such supplements.

By Senator Holmes (With Notice and Proof):

S. 320. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

By Senator Holmes:

S. 321. To propose an amendment to the Constitution of Alabama of 1901, to authorize the county governing body and the governing body of any municipality in Calhoun County to appropriate public funds to any non-profit charity and to provide that the provisions of this amendment shall be self-executing.

The above Bill was read a second time at length as required by the Constitution.

By Senator Hand (With Notice and Proof):

S. 349. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

By Rep. Johnson (RW) (With Notice and Proof):

H. 90. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

By Rep. McKee (With Notice and Proof):

H. 83. To amend Sections 3.02 and 4.02 of Act 618, H. 796, 1973 Regular Session of the Alabama Legislature (Acts 1973, p. 879, et seq.) as amended, relating to the Mayor-Council form of government in certain cities classified on a population basis, so as to provide further for certain procedures relating to declaring candidacy for certain offices in the City of Montgomery in Montgomery County, Alabama, and to provide for retroactive effect to April 1, 1987.

By Rep. Johnson (RW) (With Notice and Proof):

H. 91. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

By Rep. Reed (With Notice and Proof):

H. 218. Relating to Bullock County; to authorize the Bullock County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such county not to exceed three cents (3 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Bullock County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commission of such county for the collection of said taxes.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carothers:

H. 432. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and

disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the

defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

JOHN W. PEMBERTON,  
Clerk.

### REQUEST FOR BILL TO BE READ AT LENGTH

Senator Parsons moved that the Bill, H. B. 432, set out in the foregoing Message from the House, be read at length.

On motion of Senator Smith (J), said motion was laid on the table.

Yeas 18; Nays 5.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Drinkard | Manley    |     |
| Bailey    | Cabaniss      | Ellis    | Preuitt   |     |
| Barron    | deGraffenried | Foshee   | Rice      |     |
| Bedford   | Denton        | Hale     | Smith (J) |     |
| Bennett   | Dial          | Horn     |           | —18 |

Nays:

|           |          |         |         |    |
|-----------|----------|---------|---------|----|
| Senators: | Figures  | Parsons | Sanders |    |
| Corbett   | Langford |         |         | —5 |

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 432—to the Committee on Judiciary

### RESOLUTIONS

Senators Dial, Rice, Parsons, Amari, Preuitt, Cabaniss, Bedford, Drinkard, Barron, Dixon, and Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. TO ESTABLISH A LEGISLATIVE COMMITTEE TO MAKE RECOMMENDATIONS AS TO THE APPROPRIATE STATE

AGENCY TO ADMINISTER THE MEDICAID WAIVERED SERVICES PROGRAM FOR THE ELDERLY AND TO URGE THE GOVERNOR TO DELAY THE TRANSFER OF THE MEDICAID WAIVERED SERVICES CURRENTLY BEING ADMINISTERED BY THE COMMISSION ON AGING TO THE DEPARTMENT OF HUMAN RESOURCES SCHEDULED TO BE EFFECTIVE MAY 1, 1987 PENDING THE RECOMMENDATIONS OF THE LEGISLATIVE COMMITTEE CREATED HEREIN.

WHEREAS, the Legislature is vitally interested in the most effective and efficient delivery of medical services to the elderly citizens of the State of Alabama, and;

WHEREAS, the Alabama Commission on Aging has been designated by the Legislature of the State of Alabama to serve as the lead agency in the state government to address the concerns of the elderly, and;

WHEREAS, the Alabama Commission on Aging has designated thirteen (13) agencies in the state and Area Agencies on Aging in their planning and service areas to assess the needs of the elderly, identify gaps in services, develop and coordinate needed services and serve as an advocate for the elderly, and;

WHEREAS, the Alabama Commission on Aging has identified in-home services of the frail elderly as a significant need throughout the state, and;

WHEREAS, the Alabama Medicaid Agency submitted to the Health Care Finance Administration a proposal and received approval to conduct a Medicaid Waiver Services Program with the Alabama Commission on Aging and the Area Agencies on Aging identified as partners in the project, and;

WHEREAS, the Alabama Commission on Aging and the Area Agencies on Aging have administered this program for two and one-half (2-1/2) years with favorable reports and audits from the Health Care Finance Administration, and;

WHEREAS, a transfer of the delivery of Medicaid Waivered Services currently being provided by the Commission on Aging to the Department of Human Resources is scheduled to take effect on May 1, 1987.

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Alabama, does hereby establish a Legislative Committee to consist of three (3) members of the House of Representatives to be appointed by the Speaker of the House of Representatives and three (3) members of the Senate to be appointed by the Lieutenant Governor to study the proposed transfer of the Medicaid Waivered Services Program from the Commission on Aging to the Department of Human Resources and to make recommendations to the Legislature and the Governor as to the appropriate state agency to administer said program in the most efficient and effective manner. Said Committee shall make its report to the Legislature and Governor by June 15, 1987.

BE IT FURTHER RESOLVED, that the Legislature does hereby respectfully request the Governor to delay the transfer from the Commission on Aging to the Department of Human Resources of the Medicaid Waivered Services Program scheduled to take effect May 1, 1987 until such time as the Legislative Committee created herein does present its findings and recommendations.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedford and Manley offered the following Senate Joint Resolution, to-wit:

**S. J. R. 42. MOURNING THE DEATH OF WILLIAM OVERTON WINSTON, III, OF VERNON, ALABAMA.**

WHEREAS, in sense of deep sorrow, the Legislature of Alabama records the untimely death of William Overton Winston, III, of Vernon, Alabama, at the age of just 37 years, and as the result of injuries sustained in a tragic automobile accident on March 27, 1987; and

WHEREAS, William O. "Bill" Winston, a native of Sumter County, was a graduate of the University of Alabama and Auburn University and in 1977 served one year as assistant district attorney for the 24th Judicial Circuit comprised of Fayette, Lamar and Pickens Counties; and

WHEREAS, in 1978 and to fill an unexpired term, Mr. Winston was appointed district judge for Lamar County by Governor George Wallace; in 1980, Judge Winston was elected to a full six-year term; and

WHEREAS, Judge Winston, in addition to such distinguished public service, also was active in community and civic leadership, serving two terms as president of the Lamar County chapter of the University of Alabama Alumni Association and as president of the Vernon Kiwanis Club; and

WHEREAS, he further had served as vice president of the Alabama Juvenile Judges Association, as chairman of the Alabama District Judges' Education Committee, and was a member of the Lamar County Cattlemen's Association, the 24th Judicial Circuit Bar, the Alabama Bar Association and the First United Methodist Church of Vernon; and

WHEREAS, Judge William Winston was indeed a prominent and beloved member of the community, and his tragic death is an inconsolable loss to those who so greatly benefited from his lifetime of service and leadership; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of William Overton Winston, III, and extend deepest and heartfelt sympathy to his wife, Mrs. Beth Winston; daughter, Allison Winston; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Resolution, to-wit:

**S. R. 43. APPOINTING AMY HERRING AN HONORARY "CONTRA."**

Which was filed.

Senator Dial offered the following Senate Joint Resolution, to-wit:

**S. J. R. 44. COMMENDING FRANK GOURDOUZE OF SOUTHERN UNION STATE JUNIOR COLLEGE ON HIS OUTSTANDING COACHING CAREER.**



WHEREAS, Frank Gourdouze, who has served since 1969 as Head Coach and Athletic Director at Southern Union State Junior College, has announced his retirement at the close of the current school year; and

WHEREAS, a former successful high school basketball coach in Indiana for 23 years and with a 315-196 record, Coach Gourdouze has posted 17 winning seasons for Southern Union Junior College during his 18-year tenure and was named 1978 Coach of the Year in the National Little College Athletic Association; and

WHEREAS, Coach Gourdouze has unquestionably led the Southern Union Bisons to glorious heights, placing tenth, or better, eleven times in the NLCAA national tournament, including one National Championship, three third-place rankings and two fourth-place finishes; and

WHEREAS, this past season the Southern Union Junior College Bisons had a fantastic 23-2 regular season record, winding up 26-3, overall, after winning the State Junior College Tournament and advancing to round one in the National Title Play-offs; and

WHEREAS, Coach Frank Gourdouze has indeed enjoyed a remarkable and rewarding career; and as he relinquishes the helm at Southern Union, he leaves behind a record of 350 big victories for the Bisons under his leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as Head Coach and Athletic Director at Southern Union State Junior College, we hereby commend Frank Gourdouze, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

### **MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

### **MOTION IN WRITING**

Pursuant to the notice in writing previously given, I move that Rule No. 59 of the Senate Rules be amended to read as follows:

**RULE 59.** (a) No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

(b) It is expressly provided that each meeting of each standing committee of the Senate shall be open to the public and notice of the meeting and the agenda shall be posted on the door of the meeting room before 5:00 p.m. on the day preceding the date of the meeting. No action shall be taken except on matters listed in such agenda. Any action taken on matters or bills not included in said notice and agenda shall be void and considered not acted on by any committee.

Which was read and referred to the Standing Committee on Rules.

## RESOLUTIONS

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

**S. J. R. 45. COMMENDING EVA GOLSON OF MOBILE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO ALABAMA'S TRAVEL INDUSTRY.**

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the selection of Eva Golson of Mobile, Alabama, as the recipient of the Award of Excellence by the Alabama Travel Council, a signal honor bestowed annually by the council in recognition of outstanding volunteer involvement in all ATC programs; and

WHEREAS, Eva Golson, who has served since 1976 as director of Mobile's Visitor Welcome Center at Fort Conde, has been active in travel and tourism for the past ten years; her expertise in serving the travel industry in Mobile and Alabama is widely acknowledged, and her proficiency is exceeded only by her enthusiastic and dedicated efforts in promoting and expanding an industry that is of such vital impact on the economy of our State; and

WHEREAS, as the recipient of the ATC Award of Excellence, Mrs. Golson was also cited for her work with the Southeast Tourism Council, which she serves as a director; for her volunteerism on behalf of America's Junior Miss Program and the ground-breaking for the Tennessee-Tombigbee Waterway; and for her leadership roles in various travel shows, parades and other celebrations; and

WHEREAS, Mrs. Golson further is a board member and vice president of the Southern District of the ATC, serves as president of the Press Club of Mobile, is a former officer and director of the Public Relations Council of Alabama, and is the recipient of such additional honors as the "Practitioner of the Year" Award in 1980 and "outstanding member" of the Mobile Bicentennial Community Committee, among others; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Eva Golson of Mobile, Alabama, for outstanding contributions to tourism and travel in the State of Alabama, and direct that she receive a copy of this resolution that is executed in warmest personal regard of her accomplishments.

On motion of Senator Preuit, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedsole then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 46. COMMENDING DR. J. E. KIMBROUGH ON HIS DISTINGUISHED MEDICAL CAREER.**

WHEREAS, J. E. Kimbrough, a native of Saint Stephens, Alabama, and a third generation of Kimbrough physicians, retired in April 1987, following an association of more than 12 years with Searcy Hospital in Mount Vernon, Alabama, where he served successively as staff mental health physician, psychiatrist and in final capacity, as Assistant Superintendent for Clinical Services since September 1976; and

WHEREAS, following military service during World War II as a U. S. Navy Pharmacist Mate 1st Class, Dr. Kimbrough earned his B.S. and M.D.

degrees from the University of Alabama, and completed his surgical internship at the University of Alabama Hospital where he later completed, in 1974, a residency in psychiatry; and

WHEREAS, Dr. Kimbrough was engaged in the private practice of medicine from 1953 to 1969, during which time he served as a rural physician in Clarke, Washington and Mobile Counties, making house calls both day and night and even, at times, going down river by boat to care for his patients; and

WHEREAS, as a result of noting the effect of stress on the mental and physical health of his patients, Dr. Kimbrough developed an interest in psychiatry which led to his association with Searcy Hospital and specialization study in this field; and

WHEREAS, in addition to his competence and expertise as a physician, Dr. Kimbrough also is a very special person whose career is a reflection of his compassion for others and of his willingness to give freely of his time and of himself to improve the health and lives of his many thousands of patients and their families; and

WHEREAS, Dr. Kimbrough, during his tenure at Searcy Hospital initiated, supported and was instrumental in the development of a number of plans and programs to increase the quality of psychiatric and medical services for patients; he also, among other involvements, participated as a member of the board of Friends of Searcy Hospital Foundation, Inc., in fund-raising activities for the construction and June 1987 opening of a Patient Social-Recreational Building at Searcy; and

WHEREAS, the accomplishments of Dr. Kimbrough are numerous indeed, and he shares his achievement with his beloved wife of 38 years, the former Elizabeth Enfinger, and their four children who are continuing their father's example of public work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his distinguished career and in gratitude for the impact he has had on the well-being of his many patients through the years, we hereby commend Dr. J. E. Kimbrough, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Corbett, Bedford, Parsons, and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 47. REQUESTING THAT SPACE IN THE ALABAMA STATE HOUSE BE ALLOCATED FOR A CHAPEL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Attorney General is hereby requested to allocate space on the third or the fourth floor of the Alabama State House for a chapel.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Attorney General and to Josephine W. Walton, State President of Church Women United in Alabama, that they may know of our wishes.

Which was read and referred to the Standing Committee on Rules.

Senator Rice offered the following Senate Joint Resolution, to-wit:

**S. J. R. 48. ESTABLISHING THE JOINT GOVERNOR'S-LEGISLATIVE TASK FORCE AGAINST PORNOGRAPHY.**

WHEREAS, the purpose of the Joint Governor's-Legislative Task Force Against Pornography shall be to assess the issues related to pornography and the effectiveness of enforcement of present laws, locally and in other states; the feasibility of uniform municipal guidelines; and to gather pertinent information; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Governor's-Legislative Task Force Against Pornography is hereby established to:

1. Review current Alabama criminal statutes related to pornography, and those of other states, to evaluate the effectiveness of enforcement and relevancy;
2. Study the feasibility of developing uniform municipal guidelines for enforcement of laws prohibiting and punishing the crimes related to pornography;
3. Develop a plan and strategy for mobilizing resources in place and coordinating data, to meet the issues raised by pornography and consequential criminal acts;
4. Make recommendations on needed changes in Alabama criminal statutes as well as administrative actions at all levels of law enforcement and the judicial branch of government;
5. Examine witnesses on current procedural and enforcement problems, including the State Attorney General's office, the various local district attorneys, as well as personnel from the executive branch, and others as determined by the task force, to include in the findings and recommendations; and
6. Study and evaluate all other pertinent facts related to the laws against pornography and their enforcement.

BE IT FURTHER RESOLVED, That the Joint Governor's-Legislative Task Force Against Pornography shall be composed of: three members from the Alabama Senate, appointed by the Lieutenant Governor; three members of the Alabama House of Representatives, appointed by the Speaker of the House; one representative from the Governor's office in the field of family life; three members appointed-at-large (one by each the Governor, the Lieutenant Governor and the Speaker of the House), and who are not in the service of any federal, state or local political subdivision; and the director of the Office of Prosecution Services and the director of the Alabama League of Municipalities or the designee of each. The members of the said task force shall serve without compensation.

BE IT FURTHER RESOLVED, That the said joint task force shall report its findings and make its recommendations to the Governor, the State Attorney General, and the Legislature on the twenty-fifth day of the 1987 Regular Session whereupon it shall stand discharged from all duties and liabilities and be dissolved.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 49. COMMENDING THE TONEY HISTORICAL SOCIETY OF TONEY, ALABAMA.

Also:

S. R. 50. HONORING JAMES NEWBY, JR., RECIPIENT OF THE ATHENS-LIMESTONE CHAMBER OF COMMERCE COMMUNITY SERVICE AWARD.

Also:

S. R. 51. COMMENDING HOMER DUNNAVANT AS THE ATHENS-LIMESTONE CHAMBER OF COMMERCE "OUTSTANDING CITIZEN OF THE YEAR."

Which were filed.

### **MOTION IN WRITING**

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 73, on page 29 of the Sixth Legislative Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 73, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **OBJECTION TO INTRODUCTION OF BILLS**

Senator Rice requested that the Journal reflect the following procedure: He, Senator Rice, requested unanimous consent to be allowed to introduce four bills, and, on objection of Senator Bedford, said consent was not granted.

### **ADJOURNMENT**

At 1:15 P.M., on motion of Senator Bishop, the Senate adjourned until Tuesday, May 12, 1987, at 11 o'clock A.M.

## SEVENTH LEGISLATIVE DAY

TUESDAY, MAY 12, 1987

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### PRAYER

The Session was opened with prayer by the Reverend Doctor Floyd C. Enfinger, Pastor, First United Methodist Church, Prattville, Alabama.

### PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Liz Gniadek, Goodwyn Junior High School, Montgomery, Alabama.

### ROLL CALL

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

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### JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### COMMITTEE REPORT

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 52. RELATIVE TO ADJOURNMENT.

BE IT RESOLVED BY THE SENATE OF ALABAMA That when it adjourns today, it adjourn to meet again on Wednesday, May 13, 1987, at 12:01 A.M.

Which was read and referred to the Standing Committee on Rules.

### POINT OF PERSONAL PRIVILEGE

Senator Corbett offered the following remarks as a Point of Personal Privilege, to-wit:

Thomas Jefferson once wrote that in a democracy, the people generally get the kind of government they deserve. The heart of Jefferson's statement was his faith that democracy as a system works. He knew that in spite of minor short term failures, the self-corrective nature of the system was the saving strength of our government.

Jefferson and his colleagues premised the creation of our government on the idea that the system, and not the arbitrary will of men, is the only way to fairly govern a people.

This same premise is the foundation of the rules of this governing body. The Senate of the State of Alabama has a system—a set of rules for governance. It is through this system that we guarantee the orderly creation of our laws. Without this system, this Senate would cease to be a body elected to govern and would become a mob. If our leaders ignore the rules of the system, they reduce themselves to mob leaders governed only by brute force and the power of individual will. In recent years we have seen brute force and not leadership rule in this Senate. We have each and every one felt the injustice forced on the citizens of this state, regardless of the particular side of a given issue that we happened to be on. The people who elected us deserve better than that.

There once was a time in this Senate when you, as a senator, could hold your head up proudly as a statesman, not just a puppet of special interest, as powerful forces in this state would have you be. This Senate still stands for democracy. The history of those statesmen who came before us is still here today. The echo of Roland Cooper, Rankin Fite, Jim Allen, Ryan deGraffenried, Sr., and other notable senators is just as strong today as it was when their thoughts and words thundered through the old Senate chamber.

I am opposed to a group of bills now before the Senate. The so-called tort reform bills are designed to take away rights which are not minor nor frivolous. In exchange for these rights, the people are offered nothing. In fact, even the senators who support these bills now openly admit they will not lower insurance rates. The only beneficiary will be large multi-million dollar insurance companies, bad doctors and manufacturers who do not care about our people.

I am not alone in my feelings about these bills. There are many of you here who share my feelings about all or some of the legislation. For many reasons you may be pulled in a direction other than the one you know is good for the people of Alabama. Then again those who truly share my feelings may be in the majority—only open debate will tell. Our system guarantees rights to the minority. It is the rights of the minority that prevent the power of special interests, the power of money, and simple haste from giving us bad laws.

One of the tools of the minority is the filibuster, and that tool will be used in the fight over these bills. The filibuster is a part of our system and a legitimate tool of democracy. The filibuster is one of the oldest traditions of a democratic body. The true purpose of a filibuster is not necessarily to delay or kill legislation, but to generate compromise through legitimate amendments or substitutes to proposed legislation. Compromise is that form of government that prevents wars, prevents mobs and provides all citizens a true voice in government.

Members of the Senate, Mr. President, Mr. Pro Tem, if a filibuster by either side is broken in any way other than by using the rules, we will have become a mob. Mr. President, if your gavel is used to break the filibuster by either side, a clear message will be sent that compromise is not an alternative in the Senate. Rather, raw power and destruction of the system we created will become the rule of the Senate. The people who elected us deserve better than that, and we, if we allow ourselves the indulgence of true self-reflection, demand better than that.

Mr. President, fellow senators, we have much work to do. A constitutional amendment, passed by a vote of the people, mandates that we pass our budgets before we pass other legislation. There are many other matters which require our attention. If the leadership of this Senate makes the conscious decision to destroy our system of operation, I will interpret that action as a total repudiation of our mission.

I have given each one of you a rose today, just like the one I am wearing. This rose symbolizes the freedom this country was founded on, the freedom its sons have died for, and the statesmanship this Senate has long stood for. This rose symbolizes the difference between a democracy and a dictatorship. Just as this rose will wilt and die without nourishment and water, individual freedoms and rights die without rules, laws and democracy. This Senate represents each and every Alabamian, not just those who have a paid lobbyist. The day a filibuster by either side is broken by the brute force of the leadership, I intend to introduce this bill and request that it be read before this body. I will continue introducing this bill every day and requesting that it be read. Mr. President, the title of this bill alone is 700 pages.

We have a system in this Senate—a set of rules designed to protect the minority and promote compromise. It is my resolve that we will either operate by these rules all the time on all issues or I shall use the rules to the best of my ability.

The choice is left to the leaders of this body. We can proceed as our rules dictate or we can immobilize the Senate for the duration of this session. The people who elected us deserve better than that.

I, for one, believe in the words of Mother Jones, a lady who was an early leader in the women's rights movement: "I intend to pray for the dead, and fight like hell for the living."

I respectfully request that these remarks be spread on the Journal so that future generations can reflect on the actions of the Senate.

Which was read and ordered spread upon the Journal.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate



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Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 52. RELATIVE TO ADJOURNMENT.

On motion of Senator Smith (J), said Resolution was then adopted by the Senate.

Yeas 21; Nays 10.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Foshee | Menton    |
| Bailey    | Denton        | Hand   | Preuitt   |
| Barron    | Dial          | Holmes | Rice      |
| Bedsole   | Dixon         | Horn   | Smith (B) |
| Bishop    | Drinkard      | Manley | Smith (J) |
| Cabaniss  | Ellis         |        |           |

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*Nays:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Bennett   | Figures  | Parsons |
| Amari     | Corbett   | Goodwin  | Sanders |
| Bedford   | Covington | Langford |         |

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INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 356. Providing for the licensing and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of a board created and established by this act; prescribing fees for certain licenses related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act and providing initial funding from the state general fund for this act.

Committee on Small Business.

By Senator Smith (J):

S. 357. To amend §32-9-2, Code of Alabama 1975, which exempts cotton wagons from general trailer restrictions so as to also exempt module-movers and to increase the width and length of the trailers and module-movers from eight feet wide and 75 feet long to 10 feet wide and 85 feet long.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Smith (J):

S. 358. Relating to "The Alabama Legal Liability Act of 1987" to state the legislative intent; to define the terms attorney, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum

if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health or legal benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether

in contract or in tort against an attorney based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against an attorney based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the attorney failed to exercise such reasonable care, skill and diligence as other attorneys in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against an attorney not certified by the Alabama Bar Association as being a specialist, not trained or experienced in a legal specialty or not holding himself out as a specialist shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against an attorney certified by the Alabama Bar Association as a specialist, trained and experienced in a legal specialty or holding himself out as a specialist shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the Alabama Bar Association in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the legal liability insurance of the defendant or of a witness testifying as a "similar attorney"; to further provide that any attorney may testify as an expert in any action if he is a "similar attorney" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against an attorney shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the attorney liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against attorneys based on acts or omissions accruing after its effective date and as to such causes of action shall supersede

any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

Committee on Judiciary.

By Senator Bedford:

S. 359. To amend Section 25-4-10(b)(17) Code of Alabama 1975, as last amended (The Alabama Unemployment Compensation Law) to exclude from the term "employment" certain services performed in the cleaning, processing and handling of a seafood commodity and to provide for its retroactive effect to January 1, 1985. To further amend Section 25-4-10(b)(17)b to exclude from "employment" services performed on or in a vessel of more than 10 tons operating with a crew of fewer than 10 engaged in catching or gathering certain fish or other forms of aquatic animal life if remuneration is solely by share of catch and to provide for its retroactive effect to January 1, 1985. To correct certain clerical errors in the act; Section 25-4-10, Code of Alabama 1975, as last amended, is hereby amended to read:

"§25-4-10. Employment.—

(a) Subject to other provisions of this chapter, "employment" means:

(1) Any service performed prior to January 1, 1978, which was employment as defined in this section prior to such date and, subject to the other provisions of this section, services performed for remuneration after December 31, 1977, including service in interstate commerce, by:

a. Any officer of a corporation; or

b. Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

c. Any individual other than an individual who is an employee under paragraphs a or b of this subdivision (1) who performs services for remuneration for any person:

1. As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk) or laundry or dry cleaning services for his principal;

2. As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of paragraph c of this subdivision, the term "employment" shall include services described in subparagraphs 1 and 2 of paragraph c of this subdivision, performed after December 31, 1971, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

(2) Service performed:

a. After December 31, 1971, but prior to January 1, 1978, by an individual in the employ of this state or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states or their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this state; provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that act, and is not excluded from "employment" under subsection (b) of this section; provided further, that such service in the employ of a political subdivision or any of its instrumentalities shall be deemed to be "employment" within the meaning of this chapter only if said political subdivision or its instrumentalities has elected to become an employer subject to this chapter pursuant to section 25-4-131 for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to section 25-4-130 or section 25-4-131; and

b. After December 31, 1977, in the employ of this state or any of its instrumentalities or of any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any one of the foregoing and one or more other states or political subdivisions, provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306(c)(7) of that act and is not excluded from "employment" under subsection (b) of this section.

c. For the purposes of this chapter, the term "governmental entity" in reference to this state is defined as the entirety of state government, but for the purposes of reporting, accounting or other administrative procedures such entity shall be divided into each department, agency, board, commission and any other separately organized division or instrumentality of this state. The comptroller of this state shall make such payments to the director as are required by the other provisions of this chapter as they pertain to the various organizational components of the state. The comptroller is hereby authorized to require of such components such payments as are necessary to discharge his responsibilities and shall enforce such payments under the provisions of subsection (b) of section 25-4-51.

d. The term "governmental entity" in reference to any political subdivision is defined as each county and its instrumentalities and each municipality and its instrumentalities, except that each instrumentality of a political subdivision which is separately incorporated or otherwise removed from the control of the governing body of the political subdivision shall be a separate governmental entity. Instrumentalities organized and operated jointly by any combination of two or more of the aforementioned entities shall be considered as constituting a separate governmental entity. The foregoing notwithstanding, each separate public school system shall constitute a separate governmental entity.

(3) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

a. The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(8) of that act,

and is not excluded from "employment" under subdivisions (8) and (21) of subsection (b) of this section; and

b. The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(4) a. Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (1) of subsection (b) of this section, when:

1. Such service is performed for an employing unit which:

(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a.); or

(ii) For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a.) 10 or more individuals, regardless of whether they were employed at the same moment of time.

2. For the purposes of this paragraph a, such service is not considered to be performed in agricultural labor if performed before January 1, 1984, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

3. For the purposes of this paragraph a any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader.

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963, or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of any other person within the meaning of subdivision (1) of this subsection.

4. For the purposes of this subdivision (4) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subparagraph 3 of this paragraph a:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on the behalf of such other person) for the service in agricultural labor performed for such other person.

5. For the purposes of this paragraph a, the term "crew leader" shall mean an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other persons;

(ii) Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

(iii) Has not entered into a written agreement with the farm operator under which such crew leader is designated as an employee of such farm operator.

b. Domestic service after December 31, 1977, in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000.00 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

For the purposes of this paragraph b the term "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(5) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, (except in Canada or in the case of the Virgin Islands after December 31, 1971, and prior to January 1 of the year following the year in which the U. S. secretary of labor approves the Unemployment Compensation Law of the Virgin Islands under section 3304(a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivision (8) or (9) of this subsection (a) or the parallel provisions of another state's law), if:

a. The employer's principal place of business in the United States is located in this state; or

b. The employer has no place of business in the United States, but:

1. The employer is an individual who is a resident of this state; or

2. The employer is a corporation which is organized under the laws of this state; or

3. The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

c. None of the criteria of paragraphs a and b of this subdivision (5) is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

d. An "American employer," for the purpose of this subsection, means a person who is:

1. An individual who is a resident of the United States; or

2. A partnership, if two-thirds or more of the partners are residents of the United States; or

3. A trust, if all of the trustees are residents of the United States; or

4. A corporation organized under the laws of the United States or of any state.

e. For the purposes of this subdivision (5), the term "United States" includes the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and in the case of the Virgin Islands, after December 31 of the year in which the U. S. secretary of labor approves the Virgin Islands' Unemployment Insurance Law for the first time.

(6) Notwithstanding subdivision (8) of this subsection (a), all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state.

(7) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

(8) Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if:

a. The service is localized in this state; or

b. The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this state;

c. Service shall be deemed to be localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, service which is temporary or transitory in nature or consists of isolated transactions;

d. The service shall be deemed to be localized in this state wherever such service is performed within the United States, as defined in paragraph e of subdivision (5) of subsection (a) of this section, if such service is not covered under the unemployment compensation law of any other state, as defined in section 25-4-14, and the place from which such service is directed or controlled is in this state.

(9) Services not covered under subdivision (8) of this subsection (a) and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the



employing unit for whom such services are performed. The entire service of such employee shall be deemed to be "employment" subject to this chapter.

(10) The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of section 25-4-120 and does not include any service which by virtue of such agreement is deemed performed in another state.

(b) The term "employment" shall not include:

(1) Except as provided in paragraph a of subdivision (4) of subsection (a) of this section, service performed by an individual in agricultural labor. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1977, if such service was performed:

a. On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife.

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

d. In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities, but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced more than one half of the commodity with respect to which service is performed; provided, however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

e. On a farm operated for profit if such service is not in the course of the employer's trade or business.

As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(2) Prior to January 1, 1978, domestic services in a private home, local college club, or local chapter of a college fraternity or sorority and after December 31, 1977, if the provisions of paragraph b of subdivision (4) of subsection (a) of this section are not met.

(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is \$50.00 or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

a. On each of some 24 days during such quarter such individual performs such service for some portion of the day; or

b. Such individual was regularly employed (as determined under paragraph a of this subdivision) by such employing unit in the performance of such service during the preceding calendar quarter.

(4) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by an individual under the age of 21 in the employ of his father or mother.

(5) Prior to January 1, 1978, except to the extent set forth in subdivision (2) of subsection (a) of this section, service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions.

(6) Prior to January 1, 1978, except as provided in subdivision (2) of subsection (a) of this section, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions, and any service performed in the employ of any instrumentality of any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by section 3301 of the federal Internal Revenue Code.

(7) Service performed in the employ of the United States government or of any instrumentality wholly owned by the United States, except that if the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units; provided, however, if this state should not be certified by the secretary of labor under section 3304(c) of the federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of article 3 of this chapter and shall be refunded by the director from the fund in accordance with the provisions of section 25-4-137.

(8) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in the employ of a corporation, community

chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of congress (52 Stat. 1094, as amended) and services with respect to which unemployment compensation is payable under any other unemployment compensation system established by an act of congress; provided, however, that the director is hereby authorized and directed to enter into agreements with the proper agencies under such act or acts of congress, which agreements shall become effective 10 days after publication thereof in the manner provided in section 25-4-111 for general rules to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of congress, acquired rights to benefits under this chapter.

(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(11) Service performed, in the employ of a school, college or university, if such service is performed:

a. By a student who is enrolled and is regularly attending classes at such school, college or university; or

b. By the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:

1. The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university; and

2. Such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection (e) of this section, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws, and service performed as an intern in the employ of a hospital

by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

(14) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(15) Except as provided in subdivisions (2) and (3) of subsection (a) of this section, any employment or service which is excluded by the express statutory provisions of Section 3306 of the federal Internal Revenue Code as amended.

(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States, and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), ~~except:~~ and effective January 1, 1985 service performed in cleaning, processing or handling of a seafood commodity in preparation for sale, packaging, canning or shipment to a terminal point for sale, packaging or canning, provided that the cash remuneration for such service is solely by unit of production, except:

a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes; and

b. Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States), ~~unless, effective January 1, 1985, remuneration for such service is solely by share of catch or proceeds thereof and the normal crew of such vessel is fewer than 10.~~ Each voyage of each vessel is considered separately.

(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if:

a. The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

b. The director finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(20) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the federal Internal Revenue Code (other than organizations described in section 401(a)) or under Section 521 of such Code, if the remuneration for such service is less than \$50.00.

(21) Services performed for any governmental entity, institution or organization described in subdivisions (2) and (3) of subsection (a) of this section:

a. In the employ of:

1. A church or convention or association of churches; or

2. An organization that is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or

b. By a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

c. Except as provided in subdivision (7) of subsection (a) of section 25-4-8:

1. Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

2. After December 31, 1977, in the employ of a governmental entity referred to in paragraph b of subdivision (2) of subsection (a) of this section, if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) As a member of a legislative body, or a member of the judiciary of this state or any of its political subdivisions;

(iii) As a member of the State National Guard or Air National Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency (this exclusion does not apply to permanent employees whose usual responsibilities include emergency situations);

(v) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

d. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

e. As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

f. For a hospital in a state prison or other state correctional institution prior to January 1, 1978, by an inmate of the prison or correctional institution and, after December 31, 1977, by an inmate of a custodial or penal institution.

(22) Services performed by an individual as a qualified real estate agent. For the purposes of this chapter the term "qualified real estate agent" shall mean an individual who is a sales person if:

- a. Such individual is a licensed real estate agent; and
- b. Substantially all of the remuneration for services performed as a real estate agent (whether or not paid in cash) is directly related to sales or other output (including the performance of services), rather than the number of hours worked, and
- c. The services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

(23) Services performed by an individual as a direct seller. For the purposes of this chapter the term "direct seller" shall mean any individual who:

a. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to any buyer on a:

1. Buy-sell basis, or
2. Deposit-commission basis, or

3. Any similar basis which the U.S. secretary of the treasury prescribes by regulations, for resale (by the buyer or any other individual), in the home or otherwise than in a permanent retail establishment; or

b. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to a consumer in the home or otherwise than in a permanent retail establishment, and

c. Substantially all of the remuneration for the services performed by such individual as a direct seller (whether or not paid in cash) is directly related to sales or output (including the performance of services) rather than to the number of hours worked, and

d. The services performed by such individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

(c) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

(d) For the purposes of this chapter the term "educational institution" means an educational institution (including an institution of higher education as defined in subsection (c) of this section) in which:

(1) Participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s).

(2) It is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school.

(3) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation, as opposed to study or training in the social graces or skills or whose primary purpose is to provide baby sitting or day care services although some learning activities may be included.

In any particular case, the question of whether or not an institution is an educational institution (other than an institution of higher education) within the meaning of the criteria described above will depend on what that particular institution actually does.

(e) "Hospital" means an institution which has been licensed, certified or approved by the state board of health or the state board of mental health as a hospital or a similar institution operated by the state or any of its political subdivisions or by an instrumentality of either of the foregoing.

(f) If the services performed during one half or more of any pay period by an employee for the employing unit employing him constitute employment, all of the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one half of any such pay period by an employee for the employing unit employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unit employing him."

Committee on Business and  
Labor Relations.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 53. SPECIAL ORDER 7TH LEGISLATIVE DAY.

RESOLVED BY THE SENATE, That pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence

over all other matters until disposed of or superseded by a further report or resolution from the Committee on rules:

# 1. COMMITTEE REPORTS

## 2. BILLS ON THIRD READING

Page

S. 334

33

Alabama medical Liability Act of 1987, estab.

H. 27

37

Civil actions, punitive damages must be proved beyond reas. doubt, cap on amt. of damages, contract claims reg., principals liability reg.

H. 28

38

Civil actions, collateral source rule abolished.

H. 82

39

Civil actions, appeals by defendant, removal of penalty if appellate ct. affirms judgment, Secs. 12-22-72, 12-22-73 amd.

H. 24

36

Foreign corporations, venue altered, constitutional amendment.

H. 25

36

Court of general jurisd., auth. transfer pending civil action to another court.

H. 26

37

Foreign claims under common law and statutes of U.S., enforcement regulated, doctrine of forum non conveniens applies, Sec. 6-5-430 amended.

H. 81

39

Civil actions, damages itemized, periodic payments

H. 29

41

Scintilla rule abolished in civil law suits, min. std. of proof shall be substantial evidence.

H. 30

40

Frivolous civil actions, court authorized assess court costs and atty. fees.

S. 88

23

Insurance Commissioner, election procedure and salary, insurance rate-making procedures prescribed, bond req., Secs. 27-2-2, 27-2-4, 27-3-26, 27-13-66, 27-13-68, 27-13-81, 27-13-83 am'd. Secs. 27-13-71, 27-13-72, 27-13-80 repealed.



Senator Amari offered the following substitute for the Resolution, S. R. 53, to-wit:

**SUBSTITUTE FOR S. R. 53**

S. R. 53. SPECIAL ORDER 7TH LEGISLATIVE DAY.

RESOLVED BY THE SENATE, THAT the following, in the order named shall be the paramount and continuing order of business, taking precedence over all other matters until disposed of.

1. COMMITTEE REPORTS

2. BILLS ON THIRD READING

BIR—H.B. 30

H.B. 30—(Frivolous Law Suits) p. 40

BIR—H.B. 29

H.B. 29—(Scintilla Rule) p. 41

BIR—H.B. 24

H.B. 24—(Venue) p. 36

BIR—H.B. 25

H.B. 25—(Venue) p. 36

BIR—H.B. 26

H.B. 26—(Venue) p. 37

BIR—H.B. 81

H.B. 81—(Structured Damages) p. 39

BIR—H.B. 82

H.B. 82—(Appeal Penalty) p. 39

BIR—H.B. 28

H.B. 28—(Collateral Source) p. 38

BIR—H.B. 27

H.B. 27—(Punitive Damages) p. 37

BIR—S.B. 334

S.B. 334—(Medical Malpractice) p. 31

BIR—S.B. 88

S.B. 88

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 21; Nays 13.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Menton    |     |
| Bailey    | Denton        | Hale   | Preuitt   |     |
| Barron    | Dial          | Hand   | Rice      |     |
| Bedsole   | Dixon         | Horn   | Smith (B) |     |
| Bishop    | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  | Ellis         |        |           | —21 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Campbell  | Goodwin  | Langford |     |
| Amari     | Corbett   | Hilliard | Parsons  |     |
| Bedford   | Covington | Holmes   | Sanders  |     |
| Bennett   | Figures   |          |          | —13 |

Senator deGraffenried then offered the following substitute for the Resolution, S.R. 53, to-wit:

**SUBSTITUTE FOR S. R. 53****S. R. 53. SPECIAL ORDER 7TH LEGISLATIVE DAY.**

RESOLVED BY THE SENATE, That pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence over all other matters until disposed of.

**1. COMMITTEE REPORTS****2. BILLS ON THIRD READING**

|                                                                                                                                            |            |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------|
| S. 334                                                                                                                                     | Page<br>33 |
| Alabama medical Liability Act of 1987, estab.                                                                                              |            |
| H. 27                                                                                                                                      | 37         |
| Civil actions, punitive damages must be proved beyond reas. doubt, cap on amt. of damages, contract claims reg., principals liability reg. |            |
| H. 28                                                                                                                                      | 38         |
| Civil actions, collateral source rule abolished.                                                                                           |            |
| H. 82                                                                                                                                      | 39         |
| Civil actions, appeals by defendant, removal of penalty if appellate ct. affirms judgment, Secs. 12-22-72, 12-22-73 amd.                   |            |
| H. 24                                                                                                                                      | 36         |
| Foreign corporations, venue altered, constitutional amendment.                                                                             |            |
| H. 25                                                                                                                                      | 36         |
| Court of general jurisd., auth. transfer pending civil action to another court.                                                            |            |

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H. 26 37

Foreign claims under common law and statutes of U.S., enforcement regulated, doctrine of forum non conveniens applies, Sec. 6-5-430 amended.

H. 81 39

Civil actions, damages itemized, periodic payments.

H. 29 41

Scintilla rule abolished in civil law suits, min. std. of proof shall be substantial evidence.

H. 30 40

Frivolous civil actions, court authorized assess court costs and atty. fees.

S. 88 23

Insurance Commissioner, election procedure and salary, insurance rate-making procedures prescribed, bond req., Secs. 27-2-2, 27-2-4, 27-3-26, 27-13-66, 27-13-68, 27-13-81, 27-13-83 am'd. Secs. 27-13-71, 27-13-72, 27-13-80 repealed.

Senator Bedford offered the following substitute for the deGraffenried substitute for the Resolution, S.R. 53, to-wit:

**SUBSTITUTE FOR deGRAFFENRIED SUBSTITUTE  
FOR S. R. 53**

**S. R. 53. SPECIAL ORDER 7TH LEGISLATIVE DAY.**

**RESOLVED BY THE SENATE, THAT the following in the order named shall be the paramount and continuing order of business, taking precedence over all other matters for the 7th legislative day of the 1987 regular session only.**

**BIR—H.B. 29**

**H.B. 29—(Scintilla Rule)**

**BIR—H.B. 30**

**H.B. 30—(Frivolous Law Suits)**

**BIR—H.B. 24**

**H.B. 24—(Venue)**

**BIR—H.B. 25**

**H.B. 25—(Venue)**

**BIR—H.B. 26**

**H.B. 26—(Venue)**

**BIR—H.B. 81**

**H.B. 81—(Structured Damages)**

BIR—H.B. 82

H.B. 82—(Appeal Penalty)

BIR—H.B. 28

H.B. 28—(Collateral Source)

BIR—H.B. 27

H.B. 27—(Punitive Damages)

BIR—H.B. 23

H.B. 23—(Medical Malpractice)

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 21; Nays 13.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Menton    |     |
| Bailey    | Denton        | Hale   | Preuitt   |     |
| Barron    | Dial          | Hand   | Rice      |     |
| Bedsole   | Dixon         | Horn   | Smith (B) |     |
| Bishop    | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  | Ellis         |        |           | —21 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Campbell  | Goodwin  | Langford |     |
| Amari     | Corbett   | Hilliard | Parsons  |     |
| Bedford   | Covington | Holmes   | Sanders  |     |
| Bennett   | Figures   |          |          | —13 |

Senator Bennett offered the following substitute for the deGraffenried substitute for the Resolution, S. R. 53, to-wit:

**SUBSTITUTE FOR deGRAFFENRIED SUBSTITUTE  
FOR S. R. 53**

S. R. 53. SPECIAL ORDER 7TH LEGISLATIVE DAY.

RESOLVED BY THE SENATE, THAT the following, in the order named shall be the paramount and continuing order of business, taking precedence over all other matters for the 7th legislative day of the 1987 regular session only.

BIR—S. 88

S. 88—(Insurance Reform)

BIR—H.B. 24

H.B. 24—(Venue)

BIR—H.B. 25

H.B. 25—(Venue)

BIR—H.B. 26

H.B. 26—(Venue)

BIR—H.B. 30

H.B. 30—(Frivolous Law Suits)

BIR—H.B. 29

H.B. 29—(Scintilla Rule)

BIR—H.B. 81

H.B. 81—(Structured Damages)

BIR—H.B. 82

H.B. 82—(Appeal Penalty)

BIR—H.B. 28

H.B. 28—(Collateral Source)

BIR—H.B. 27

H.B. 27—(Punitive Damages)

BIR—H.B. 23

H.B. 23—(Medical Malpractice)

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 20; Nays 11.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Denton   | Foshee | Menton    |     |
| Bailey        | Dial     | Hale   | Preuitt   |     |
| Barron        | Dixon    | Hand   | Rice      |     |
| Bedsole       | Drinkard | Horn   | Smith (B) |     |
| Cabaniss      | Ellis    | Manley | Smith (J) |     |
| deGraffenried |          |        |           | —20 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Campbell  | Figures  | Langford |     |
| Bennett   | Corbett   | Goodwin  | Parsons  |     |
| Bishop    | Covington | Hilliard | Sanders  | —11 |

And said deGraffenried substitute was then adopted.

Yeas 26; Nays 7.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Cabaniss      | Figures | Menton    |     |
| Amari     | Campbell      | Foshee  | Parsons   |     |
| Bailey    | deGraffenried | Hale    | Preuitt   |     |
| Barron    | Denton        | Hand    | Rice      |     |
| Bedford   | Dial          | Holmes  | Smith (B) |     |
| Bedsole   | Dixon         | Horn    | Smith (J) |     |
| Bishop    | Drinkard      | Manley  |           | —26 |

*Nays:*

|           |           |          |          |    |
|-----------|-----------|----------|----------|----|
| Senators: | Corbett   | Goodwin  | Langford |    |
| Bennett   | Covington | Hilliard | Sanders  | —7 |

And on motion of Senator Smith (J), the Resolution, S. R. 53, as thus amended by the deGraffenried substitute, was then adopted by the Senate.

Yeas 26; Nays 7.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Cabaniss      | Ellis   | Manley    |     |
| Amari     | Campbell      | Foshee  | Menton    |     |
| Bailey    | deGraffenried | Goodwin | Preuitt   |     |
| Barron    | Denton        | Hale    | Rice      |     |
| Bedford   | Dial          | Hand    | Smith (B) |     |
| Bedsole   | Dixon         | Holmes  | Smith (J) |     |
| Bishop    | Drinkard      | Horn    |           | —26 |

*Nays:*

|           |           |          |         |    |
|-----------|-----------|----------|---------|----|
| Senators: | Covington | Hilliard | Parsons |    |
| Corbett   | Figures   | Langford | Sanders | —7 |

Senator Bedford moved that the Senate reconsider the vote by which the Resolution, S. R. 53, as amended by the deGraffenried substitute, was adopted.

On motion of Senator Smith (J), the motion to reconsider was laid on the table.

Yeas 21; Nays 11.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Menton    |     |
| Bailey    | Denton        | Hale   | Preuitt   |     |
| Barron    | Dial          | Hand   | Rice      |     |
| Bedsole   | Dixon         | Horn   | Smith (B) |     |
| Bishop    | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  | Ellis         |        |           | —21 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Bennett   | Figures  | Holmes   |     |
| Amari     | Corbett   | Goodwin  | Langford |     |
| Bedford   | Covington | Hilliard | Parsons  | —11 |

## REPORTS OF COMMITTEES

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Rep. Carothers:

H. 432. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort

against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective

date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed



specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

**MOTION IN WRITING**

Senator Corbett offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

I move that H. B. 432 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate this 12th day of May, 1987.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 22; Nays 9.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Menton    |     |
| Amari     | Campbell      | Foshee   | Preuitt   |     |
| Bailey    | deGraffenried | Hale     | Rice      |     |
| Barron    | Denton        | Hand     | Smith (B) |     |
| Bedsole   | Dial          | Horn     | Smith (J) |     |
| Bishop    | Dixon         | Manley   |           | —22 |

*Nays:*

|           |           |          |          |    |
|-----------|-----------|----------|----------|----|
| Senators: | Corbett   | Goodwin  | Langford |    |
| Bedford   | Covington | Hilliard | Parsons  |    |
| Bennett   | Figures   |          |          | —9 |

Senator Parsons moved that the Bill, H. B. 432, be re-committed, due to the fact that it was not read at length as required by Section 63 of the Constitution.

On motion of Senator Smith (J), the motion to re-commit was laid on the table.

Yeas 25; Nays 6.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Cabaniss      | Ellis  | Manley    |     |
| Amari     | Campbell      | Foshee | Menton    |     |
| Bailey    | deGraffenried | Hale   | Preuitt   |     |
| Barron    | Denton        | Hand   | Rice      |     |
| Bedford   | Dial          | Holmes | Smith (B) |     |
| Bedsole   | Dixon         | Horn   | Smith (J) |     |
| Bennett   | Drinkard      |        |           | —25 |

*Nays:*

|           |           |          |          |    |
|-----------|-----------|----------|----------|----|
| Senators: | Covington | Goodwin  | Langford |    |
| Corbett   | Figures   | Hilliard |          | —6 |

### POINT OF PERSONAL PRIVILEGE

Senator Corbett requested that the Journal reflect, and that it be spread upon the Journal, that the Alabama State Senate refused to read H. B. 432 at length.

### REPORTS OF COMMITTEES RESUMED

And said Bill, H. B. 432, was read a second time and placed on the calendar.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

By Senator Holmes (With Substitute):

S. 317. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13, Code of Alabama 1975, relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain journeyman electricians and to contract for an executive secretary.

### MOTION IN WRITING

Senator Bedford offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

I move that S. B. 317 be read at length as required under Section 63, Article IV, Constitution of Alabama 1901, and under Senate Rule 24.

I further request that this motion and the resolution thereof be recorded and spread upon the Journal of the Senate this 12th day of May, 1987.

On motion of Senator Smith (J), said Motion in Writing was laid on the table.

Yeas 24; Nays 6.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Cabaniss      | Foshee | Menton    |     |
| Amari     | deGraffenried | Hale   | Preuitt   |     |
| Bailey    | Denton        | Hand   | Rice      |     |
| Barron    | Dial          | Holmes | Smith (B) |     |
| Bedsole   | Dixon         | Horn   | Smith (J) |     |
| Bennett   | Drinkard      | Manley |           |     |
| Bishop    | Ellis         |        |           | —24 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Hilliard | Parsons |    |
| Bedford   | Goodwin | Langford |         | —6 |

And said Bill, S. B. 317, was read a second time and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Holmes, Bedford, Denton, Foshee, and Covington (With Substitute):

S. 318. To amend Sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, and 8-17-226, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to provide further for such regulation.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 319. To amend Code of Alabama 1975, Section 12-17-224(a)(2) e.1.(ii) by redefining RESTITUTION to allow Worthless Check Units to collect the service charge of not more than \$10.00 authorized by Alabama Code Sections 13A-9-13.1 through 13A-9-13.3 for the holder of a worthless check.

### BUDGET ISOLATION RESOLUTION

Senator Manley moved that B. I. R., S. B. 334, be adopted.

### RECESS

At 4:10 P.M., on motion of Senator Manley, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 11:59 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### ADJOURNMENT

The hour of Midnight having arrived, pending further consideration of B. I. R., S. B. 334, and in accordance with Resolution heretofore adopted, the Senate adjourned until Wednesday, May 13, 1987, at 12:01 A.M.

## **EIGHTH LEGISLATIVE DAY**

**WEDNESDAY, MAY 13, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Mr. Joe McNulty, Manager, Governmental Affairs, Children's Hospital, Birmingham, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Mr. Baron Walker, Executive Assistant, Office of the Lieutenant Governor.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

**UNFINISHED BUSINESS**  
**BUDGET ISOLATION RESOLUTION**

The Senate proceeded to further consideration of the Unfinished Business for today, which was the B. I. R., S. B. 334.

Senator Manley, B. I. R., S. B. 334, lost, said B. I. R. having failed to receive a three-fifths vote.

Yeas 19; Nays 14.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Preuitt   |     |
| Barron    | Dial          | Hale   | Rice      |     |
| Bedsole   | Dixon         | Hand   | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley | Smith (J) | —19 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Bishop    | Figures  | Langford |     |
| Amari     | Campbell  | Goodwin  | Parsons  |     |
| Bedford   | Corbett   | Hilliard | Sanders  |     |
| Bennett   | Covington | Holmes   |          | —14 |

**SPECIAL ORDER**  
**BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 334. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance

with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care

provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

Senator Corbett moved that further consideration of the Bill, S. B. 334, be postponed temporarily.

Senator Manley offered a substitute motion that further consideration of the Bill, S. B. 334, be postponed subject to the call of the Chair, which motion was adopted.

Yeas 21; Nays 13.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Foshee | Menton    |
| Bailey    | Denton        | Hale   | Preuitt   |
| Barron    | Dial          | Hand   | Rice      |
| Bedsole   | Dixon         | Horn   | Smith (B) |
| Bishop    | Drinkard      | Manley | Smith (J) |
| Cabaniss  | Ellis         |        |           |

*Nays:*

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Goodwin  | Langford |
| Amari     | Corbett   | Hilliard | Parsons  |
| Bedford   | Covington | Holmes   | Sanders  |
| Bennett   | Figures   |          |          |

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### POINT OF PERSONAL PRIVILEGE

Senator Parsons requested that the following remarks be spread upon the Journal:

I am Mac Parsons, Senator from District 17. It is with a profound sense of urgency and concern for the betterment and welfare of every citizen of Alabama that I invoke the Constitutional right to enter my reasons for dissent in the Journal. Article 4 Section 55 of the Alabama Constitution wisely provides for the dissent from any act or resolution which is injurious to the citizens of Alabama. This section states that:

“Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either House shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual and have the reason for his dissent entered on the Journal”.

The action taken here today makes it incumbent upon me to register my dissent and have these reasons entered on the Journal. To do otherwise would be contrary to the wisdom and desires of the citizens of Alabama. For I believe that Section 55 of our State Constitution insures that free citizens who have chosen to govern themselves by the principles of a democracy shall have a right to disagree and register that disagreement in a meaningful sense. To exclude or ignore the precepts of Section 55 is to suggest that disagreement and opposition have no value in the affairs of humans and have no relevance within the method and manner of governing a free people. It is within that spirit that I, not capriciously, nor quickly, rise to list and preserve my reasons for disagreeing with the result which this body has now produced here today.

In 1981 an act was proposed which sought to amend the Alabama State Constitution. This amendment, Number 448, is titled Paramount Duty of Legislature to Make Basic Appropriations at Regular Sessions, and reads as follows:

(A) The following words and phrases, whenever used in this amendment, shall have the following respective meanings:

“Basic appropriations” means, with respect to any regular session of the legislature, such appropriations as the legislature may deem appropriate for the expenditures by the state during the ensuing budget period for the ordinary expenses of the executive, legislative and judicial departments of the state, for payment of the public debt, and for education (excluding, however, any item within the scope of the foregoing that is at the time provided for by a continuing appropriation or otherwise).

“Budget period” means a fiscal year of the state or such period other than [a] fiscal year as may hereafter be fixed by law as the



period with respect to which state budgets are prepared and state appropriations are made.

(B) On or before the second legislative day of each regular session of the legislature, beginning with the first regular session after January 1, 1983, the governor shall transmit to the legislature for its consideration a proposed budget for the then next ensuing budget period.

(C) The duty of the legislature at any regular session to make the basic appropriations for any budget period that will commence before the first day of any succeeding regular session shall be paramount; and, accordingly, beginning with the first regular session held after January 1, 1983, no bill (other than a bill making any of the basic appropriations) shall be signed by either the presiding officer of the house or senate and transmitted to the other house until bills making the basic appropriations for the then ensuing budget period shall have been signed by the presiding officer of each house of the legislature in accordance with Section 66 of this Constitution and presented to the governor in accordance with Section 125 of this Constitution; provided, that this paragraph (C) shall not affect the adoption of resolutions or the conduct of any other legislative functions that do not require a third reading; and provided further, that following adoption, by vote of either house of not less than three-fifths of a quorum present, of a resolution declaring that the provisions of this paragraph (C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein.

(D) Upon the signing and presentation to the governor in accordance with the said Sections 66 and 125 of bills making the basic appropriations, the provisions of the foregoing paragraph (C) prohibiting the final passage of bills in the house and senate (other than bills making any part of the basic appropriations) shall cease to be effective and shall not be revived or become again effective as a result of (i) the subsequent legislative history of any bill so signed and presented, including any veto, return with executive amendment, or any other action, or failure to act, by either the governor or the legislature under the provisions of the said Section 125; or (ii) a determination, by either judicial decree or opinion of the justices of the Alabama Supreme Court, that any bill so signed and presented is wholly or in part invalid.

(E) The legislature may, by statute or rule, make such further provisions for the timely passage of bills making the basic appropriations as are not inconsistent with the provisions of this Constitution.

(F) Nothing contained herein shall be construed as requiring the legislature to make any appropriation not otherwise required by this Constitution to be made.

This legislation was proposed by Acts 1981, First Extraordinary Session, Number 81-889 and was submitted November 6, 1984 and was proclaimed ratified December 10, 1984. Many of us were here then and recall the careful reflection and discussion of this proposal. It was the thinking of this body then, as it should be now, that the budgetary needs and demands of our state are so important, so vital they must occupy a level of concern above

all others. Indeed, it is difficult to imagine a more pressing concern. Virtually every need, every activity, every requirement of our state hinges upon budgetary decisions.

So important was this need to courageously confront tough and challenging budgetary questions that the legislation begins with the words paramount duty. This body, chosen to speak for the great masses of Alabama citizens, knew then, just as it knows today, that every aspect of life in this state would be deeply and profoundly touched and impacted upon by budgetary decisions. Surely the words, paramount and duty are not meaningless, and empty, concocted only in a struggle to rhetorically express some concept. No, these words were chosen because they best express the hope and goal of this legislature, because they convey with ringing importance the desire to expedite the crucial and hard decisions that limited fiscal resources inherently present.

The word paramount has been described by Webster's Dictionary as meaning: "Supreme" and "superior to all others." It is by no coincidence or random chance that this constitutional amendment begins with the word paramount. This body sought and intended this vital piece of legislation to be paramount, supreme, and considered to be supreme to all other concerns of this body. It is no small matter that the people of Alabama approved this amendment at the ballot boxes; that they gave their endorsement and approval for this legislation that was to be paramount; that was to be superior to all others.

Further this body sought, and the citizens of Alabama agreed and approved this legislation with the word duty in the title. Webster's dictionary speaks of duty as "a moral or legal obligation" and carrying the "force of moral obligation." It is no small matter that the people of Alabama approved this amendment at the ballot boxes; that they gave their endorsement and approval for this legislation that was to be imbued with the force of a moral obligation.

And so, there we are. What we euphemistically label budget isolation demands of us, with the weight and force of a moral obligation, that we confront the budgetary task with a zeal that is supreme and superior to all other tasks before us. Yet now, today, we stray and deviate from our good sense and judgment that prevailed when we enacted amendment number 448. Yet today we pay no heed to the good sense and judgment of the people of Alabama that prevailed when they ratified amendment number 448.

There are those who would say, so what; of what importance is it that we ignore the wishes of the people of Alabama. There are those who would say that my and others' fears are of small consequence. There are those who feel that the mandate of budget isolation may be shunned when they so desire. I do not seek to criticize those who feel such, nor do I seek to impugn the motives of those who now wish to depart from the hard road that budget decisions present. Perhaps it is easier to deviate from the hard choices that we must ultimately face. Perhaps it is easier to rise with an emotional tide that relegates the will of the people to a secondary concern. Perhaps indeed it is easier, but it is not wiser.

Now, as a governing body we say that the budget is not important, not as demanding as we realized only a few short years ago. History is a wise and thorough teacher. Budget isolation was born as a result of the lessons of the past. Historically, we came to recognize the importance of a carefully considered and crafted budget. The lesson we learned from the past was that

the budget hurled difficult and demanding challenges which could not and should not be placed aside while we fretted with tasks often unworthy of being supreme to all others.

Yet today, with a tired repetition, we fail to heed the lessons of the past. Is not the past an opportunity to have a glimpse of the future? It has been said, and I believe wisely so, that those who ignore history are doomed to repeat it. How often have we rushed to consider the great budgetary issues in the lateness of the hour? How often have budgetary items been resolved without the full study and knowledge that these issues warrant only because other, perhaps more convenient or easier tasks have drawn our attention away? That is why in 1981 the decision to consider the budget before all else was realized. We understood then that these issues are complex and time consuming and are deserving of our complete and full attention. Now we renege on that understanding. The wisdom of budget isolation is as compelling today as it was then, but yet we again seem doomed to repeat the past.

I do not say that the issue that persuaded this body to turn away from the demands of the budget is without significance. To the contrary. But in our eagerness and exuberance let us not hastily rush to judgment.

Do I overstate my concern? The hue and cry of tort reform rings so loudly when held against the constant and continual whisper of the budget. How drab and pale the word budget seems when viewed against the bright glare that the words tort reform promise. It is easy to pursue glitter. Yet the concerns with the judicial system in this state can be addressed, but should not be paramount to the great many issues that can only be addressed through an exhaustive analysis of our fiscal ability and priorities. No, perhaps if anything I understate my concerns.

There is yet another reason that compels me to dissent from the decision reached today. I have alluded to the great many issues that can only be resolved through the budgetary decision-making process. It is these issues that clamor for a reasoned solution. One need only look at a newspaper or view the television or hear the radio to know and understand that serious matters impact upon our lives and will, if we permit, diminish the quality and enjoyment of our all too brief existence upon this earth. Given the relative shortness of life in this world, each minute that passes denies us the opportunity to enhance and enrich the human experience.

Our decisions on how we will spend our dollars is directly related to the quality of life in Alabama in so many instances. At this very moment, for example, somewhere in Alabama a child is crying because of hunger. At this very moment, somewhere in Alabama a parent is crying and agonizing on how to feed this child. To be physically hungry is not a pleasant topic to speak of or to hear. Yet it is one of the many concerns that we must speak and hear of.

Federal cutbacks in hunger programs have been severe and only serve to enlarge and magnify the extent of the problem facing us. No matter what your political party or philosophy, it is rendered small by the pressing needs of hungry human beings. No one, I submit, can be so hardened or so unmoved when confronted with the grim starkness of hunger. And we know that there is hunger in Alabama. Nothing so ravages the human body, mind and spirit as does the gnawing pains of hunger.

Beyond those that do not have anything to eat, there are people in our state who do not have enough to eat, and who are undernourished. The

image of an elderly person attempting to stretch a fixed income by seeking nourishment through dog or cat food is a reality that is not pleasant to understand but a reality nevertheless. We have come to learn that a child's developmental stages may be impaired because of a lack of adequate nutrition.

Of course there is more to hunger than food. There is a hunger of spirit. There is a hunger inherent within each human spirit to achieve, provide and be viewed as worthy by oneself and others. You know, Thomas Carlisle once wrote; "Blessed is the man who has found his work, let him ask no greater happiness." Since the beginning of recorded history, the human animal has taken pride in the doing of a task. It has even been suggested that work is a necessary condition of life. How inadequate one feels when he or she cannot work. I believe that most people want to work, want to experience the pride in completing a task, want that self-satisfaction that can only come from having a job.

Work is a therapeutic experience that is necessary for human growth. Nothing is so demeaning, so demoralizing as having the desire to contribute to society and the desire to provide for one's family and yet be unable because there are simply no opportunities.

So we have hunger and unemployment in Alabama. Perhaps there are those who would argue that even these problems should wait while we examine the judicial system. I am not so persuaded, and indeed the list of pressing social problems goes further.

We live in a state which ranks close to the bottom of all 50 states in education. Why, why is this so? How much untapped human potential is waiting? Waiting for the opportunity to flourish and develop. Waiting for the exposure through our schools to encourage and guide hidden abilities and talents. We can only speculate as to the great scientific advances; the great medical discoveries; the great literature that lies dormant in our young for lack of the educational impetus necessary to carry them to their fullest human potential. We will never be a great people unless we dare to be and we dare not without the requisite educational support and foundation. The history of the world remains to be written by those yet unborn. That history will be written in large part by how those of us today decide to educate those who will follow us tomorrow.

But there is more. Seemingly coming as though unbridled and unrestrained, the array of social needs and problems confronting us continue to grow. While humans have reached startling technological achievements, our basic ability as humans to exist with one another seems at times primitive. Daily we are reminded of the cruelty one person is capable of inflicting upon another. Our jails and prisons virtually overflow with those whose crimes are often unspeakable and serve as a reminder that humans still have a long way to come in relationships with each other. Surely one of man's greatest needs is to be free of fear. There are many types of fear, but I am now speaking of fear for one's physical safety and well-being. Fear of physical attack and harm is a haunting form of paralysis. It forces us to lock ourselves in our homes after dark; it inhibits all but the brave or foolish from even a casual stroll in our own neighborhoods after dark. The elderly and sick are easy prey for those whom crime and violence are a way of life. A fear that alters life styles and compels people to arm themselves with deadly weapons for protection is not a conducive atmosphere to generate a productive society. How are we, as a civilized people, going to continually sequester those who are misfits and commit horrid crimes? Should we simply build more jails and prisons? Should we fashion different forms of punishment

beyond incarceration? Certainly we live in a turbulent and often-times violent society. Now, perhaps more than at any other time in our history, solutions are demanded with stunning immediacy.

These are but a few of the pressing demands that call me to vote in the minority today. There are others, almost too numerous to mention. Today we see those inflicted with a brutal poverty, a poverty that wastes the mind, body and spirit. Today we see our rivers, streams and forests spoiled and ruined from the ravages of pollution. Today we see physical and mental handicaps that beg to be recognized and treated. Yes, today we see a child, somewhere in Alabama, right now crying.

Admittedly it is easier to find the problems than it is to find solutions and I realize the risk I accept of seemingly being the prophet of despair. Such a role I do not seek. Yet we can ill afford the luxury of closing our eyes to the great unfinished task before us. It is for us, the present elected officials of this state, to recognize and grapple with the problems that besiege and at times perplex us. None of the problems I have discussed will go away by themselves. It is not as though we can lie down, close our eyes and wake up to a more perfect place free of problem and despair.

The severity of a problem should only enhance our desire to find a solution. No problem, large or small, was ever satisfied by postponing or delaying or ignoring possible solutions. That is why I voted to follow the wishes of the people; why I voted to face the budget here and now. Each day, each hour we delay in examining how we can best spend our limited financial resources allows the problems to grow and only make a final resolution that much more difficult.

The talented novelist, Charles Dickens, viewed one brief moment of human history and described it as "The best of times and the worst of times." Such is as relevant for us today as it was then. It is the best of times because our abilities and potentials are so great. It is also the worst of times because we have yet to marshal our abilities and potentials. There are indeed many problems, but we can solve them. We can make Alabama a place where people live and grow and develop as fully as their minds and bodies allow, if we will only begin the job. It is for these reasons I enter on the Journal my dissent of the vote just taken.

### BUDGET ISOLATION RESOLUTION

Senator Manley moved that B. I. R., H. B. 27, be adopted.

### MOTION TO RECESS LOST

At 12:28 A.M., Senator Corbett moved that the Senate take a recess until 10 o'clock A.M., which motion was lost.

Yeas 16; Nays 18.

Yeas:

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Bishop    | Figures  | Langford |
| Amari     | Campbell  | Goodwin  | Parsons  |
| Bailey    | Corbett   | Hilliard | Preuitt  |
| Bedford   | Covington | Holmes   | Sanders  |
| Bennett   |           |          |          |

*Nays:*

|               |          |        |           |
|---------------|----------|--------|-----------|
| Sensors:      | Denton   | Foshee | Menton    |
| Barron        | Dial     | Hale   | Rice      |
| Bedsole       | Dixon    | Hand   | Smith (B) |
| Cabaniss      | Drinkard | Horn   | Smith (J) |
| deGraffenried | Ellis    | Manley |           |

—18

**RECESS**

At 12:30 A.M., Senator Manley moved that the Senate take a recess subject to the call of the Chair.

Senator Corbett offered a substitute motion that the Senate take a recess until 1:30 A.M., which motion was lost.

Yeas 13; Nays 20.

*Yeas:*

|          |           |          |          |
|----------|-----------|----------|----------|
| Sensors: | Bishop    | Goodwin  | Langford |
| Amari    | Campbell  | Hilliard | Parsons  |
| Bedford  | Corbett   | Holmes   | Sanders  |
| Bennett  | Covington |          |          |

—13

*Nays:*

|               |          |        |           |
|---------------|----------|--------|-----------|
| Sensors:      | Denton   | Foshee | Menton    |
| Bailey        | Dial     | Hale   | Preuitt   |
| Barron        | Dixon    | Hand   | Rice      |
| Bedsole       | Drinkard | Horn   | Smith (B) |
| Cabaniss      | Ellis    | Manley | Smith (J) |
| deGraffenried |          |        |           |

—20

The question recurred on the motion of Senator Manley, which was adopted, and at 12:32 A.M., the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 3:39 A.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF B. I. R., H. B. 27**

The Senate proceeded to further consideration of the B. I. R., H. B. 27. The question was on the motion of Senator Manley that said B. I. R. be adopted.

On motion of Senator Manley, said motion to adopt was laid on the table.

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 27. Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, liability for punitive damages as defined within this Act must be proved by the overwhelming weight of the

clear and convincing evidence and the amount of such damages shall not exceed the amount of any damages assessed against the defendant other than punitive damages or \$100,000, whichever is less; to provide that, in tort cases arising out of a contract, punitive damages shall only be awarded when the plaintiff is entitled to recover on the contract claim as a matter of law; to provide that this Act does not create a cause of action or right to recover punitive damages; to provide for definitions of certain terms used in this Act; to provide that a principal shall not be liable for punitive damages based on the acts or omissions of an agent unless the principal had advance knowledge of unfitness of the agent and employed him with conscious disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill become law.

Senator Manley moved that further consideration of the Bill, H. B. 27, be postponed subject to the call of the Chair.

### MOTION TO RECESS LOST

At 3:45 A.M., Senator Bishop moved that the Senate take a recess until 1 o'clock P.M., which motion was lost.

Yeas 14; Nays 19.

*Yeas:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Bishop    | Figures  | Langford |     |
| Amari     | Campbell  | Goodwin  | Parsons  |     |
| Bedford   | Corbett   | Hilliard | Sanders  |     |
| Bennett   | Covington | Holmes   |          | —14 |

*Nays:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Preuitt   |     |
| Barron    | Dial          | Hale   | Rice      |     |
| Bedsole   | Dixon         | Hand   | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley | Smith (J) | —19 |

At 3:47 A. M., Senator Bishop then moved that the Senate take a recess until 4 o'clock P. M., which motion was lost.

### FURTHER CONSIDERATION OF H. B. 27

The Senate proceeded to further consideration of the Bill, H. B. 27. The question was on the motion of Senator Manley that the Bill, H. B. 27, be postponed subject to the call of the Chair, which motion was adopted.

Yeas 20; Nays 13.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Denton   | Foshee | Menton    |     |
| Bailey        | Dial     | Hale   | Preuitt   |     |
| Barron        | Dixon    | Hand   | Rice      |     |
| Bedsole       | Drinkard | Horn   | Smith (B) |     |
| Cabaniss      | Ellis    | Manley | Smith (J) |     |
| deGraffenried |          |        |           | —20 |

*Nays:*

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Figures  | Langford |
| Amari     | Corbett   | Goodwin  | Parsons  |
| Bedford   | Covington | Hilliard | Sanders  |
| Bennett   |           | Holmes   |          |

—13

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 28. Relating to the admissibility of certain evidence in civil actions for personal injury or property damage; to provide that in all civil actions for personal injury or property damage, evidence relating to reimbursement or payment of plaintiff's damages allegedly incurred as a result of the acts or omissions complained of shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that the plaintiff's obligation to repay the reimbursor shall be admissible; to provide that in all such civil actions evidence of the tax implications to the plaintiff of any damage award shall be admissible; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and, to provide for an effective date of this Act.

Senator Manley moved that further consideration of the Bill, H. B. 28, be postponed subject to the call of the Chair.

Senator Bedford moved that said motion to postpone be laid on the table, which motion was lost.

Yeas 12; Nays 19.

*Yeas:*

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Figures  | Holmes   |
| Amari     | Corbett   | Goodwin  | Langford |
| Bedford   | Covington | Hilliard | Parsons  |
| Bennett   |           |          |          |

—12

*Nays:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Ellis  | Menton    |
| Bailey    | Denton        | Foshee | Preuitt   |
| Barron    | Dial          | Hale   | Rice      |
| Bedsole   | Dixon         | Hand   | Smith (B) |
| Cabaniss  | Drinkard      | Manley | Smith (J) |

—19

The question recurred on the motion of Senator Manley that the Bill, H. B. 28, be postponed subject to the call of the Chair.

Senator Amari offered a substitute motion that further consideration of the Bill, H. B. 28, be postponed until 4 o'clock P.M.

On motion of Senator Manley, said motion to postpone until 4 o'clock P.M., was laid on the table.



Yeas 20; Nays 13.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Denton   | Foshee | Menton    |     |
| Bailey        | Dial     | Hale   | Preuitt   |     |
| Barron        | Dixon    | Hand   | Rice      |     |
| Bedsole       | Drinkard | Horn   | Smith (B) |     |
| Cabaniss      | Ellis    | Manley | Smith (J) |     |
| deGraffenried |          |        |           | —20 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Campbell  | Goodwin  | Langford |     |
| Amari     | Corbett   | Hilliard | Parsons  |     |
| Bedford   | Covington | Holmes   | Sanders  |     |
| Bennett   | Figures   |          |          | —13 |

Senator Amari then offered a substitute motion that further consideration of the Bill, H. B. 28, be postponed until 7 o'clock A.M.

On motion of Senator Manley, said motion to postpone until 7 o'clock A.M., was laid on the table.

Yeas 19; Nays 13.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Preuitt   |     |
| Barron    | Dial          | Hale   | Rice      |     |
| Bedsole   | Dixon         | Hand   | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley | Smith (J) | —19 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Campbell  | Goodwin  | Langford |     |
| Amari     | Corbett   | Hilliard | Parsons  |     |
| Bedford   | Covington | Holmes   | Sanders  |     |
| Bennett   | Figures   |          |          | —13 |

The question recurred on the motion of Senator Manley that said Bill, H. B. 28, be postponed subject to the call of the Chair, which motion was adopted.

Yeas 20; Nays 12.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Preuitt   |     |
| Barron    | Dial          | Hale   | Rice      |     |
| Bedford   | Dixon         | Hand   | Smith (B) |     |
| Bedsole   | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  |               |        |           | —20 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Corbett   | Goodwin  | Langford |     |
| Amari     | Covington | Hilliard | Parsons  |     |
| Bennett   | Figures   | Holmes   | Sanders  |     |
| Campbell  |           |          |          | —12 |

Senator Bedford moved that the Senate reconsider the vote by which the Bill, H. B. 28, was postponed.

On motion of Senator deGraffenried, said motion to reconsider was laid on the table.

Yeas 20; Nays 11.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Denton   | Foshee | Menton    |     |
| Bailey        | Dial     | Hale   | Preuitt   |     |
| Barron        | Dixon    | Hand   | Rice      |     |
| Bedsole       | Drinkard | Horn   | Smith (B) |     |
| Cabaniss      | Ellis    | Manley | Smith (J) |     |
| deGraffenried |          |        |           | —20 |

*Nays:*

|           |          |           |          |     |
|-----------|----------|-----------|----------|-----|
| Senators: | Bennett  | Covington | Hilliard |     |
| Amari     | Campbell | Figures   | Langford |     |
| Bedford   | Corbett  | Goodwin   | Sanders  | —11 |

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 82. Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court must also enter judgment against the obligors in the amount of the alternate value of the property as fixed by the trial court below and the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

On motion of Senator deGraffenried, further consideration of the Bill, H. B. 82, was postponed subject to the call of the Chair.

Yeas 20; Nays 11.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Denton   | Foshee | Menton    |     |
| Bailey        | Dial     | Hale   | Preuitt   |     |
| Barron        | Dixon    | Hand   | Rice      |     |
| Bedsole       | Drinkard | Horn   | Smith (B) |     |
| Cabaniss      | Ellis    | Manley | Smith (J) |     |
| deGraffenried |          |        |           | —20 |

*Nays:*

|           |          |           |          |     |
|-----------|----------|-----------|----------|-----|
| Senators: | Bennett  | Covington | Hilliard |     |
| Amari     | Campbell | Figures   | Langford |     |
| Bedford   | Corbett  | Goodwin   | Sanders  | —11 |

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 24. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and amending the said Section 232 so as to delete the present provision in said Section 232 regarding suits against foreign corporations and providing that any foreign corporation, whether or not such foreign corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation.

Senator deGraffenried moved that further consideration of the Bill, H. B. 24, be postponed subject to the call of the Chair.

Senator Corbett offered a substitute motion that further consideration of the Bill, H. B. 24, be postponed until 1 o'clock P.M.

On motion of Senator deGraffenried, said motion to postpone until 1 o'clock P.M., was laid on the table.

Yeas 19; Nays 12.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Preuitt   |     |
| Barron    | Dial          | Hale   | Rice      |     |
| Bedsole   | Dixon         | Hand   | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley | Smith (J) | —19 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Corbett   | Goodwin  | Langford |     |
| Bedford   | Covington | Hilliard | Parsons  |     |
| Bennett   | Figures   | Holmes   | Sanders  |     |
| Campbell  |           |          |          | —12 |

The question recurred on the motion of Senator deGraffenried that further consideration of the Bill, H. B. 24, be postponed subject to the call of the Chair, which motion was adopted.

Yeas 19; Nays 12.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Preuitt   |     |
| Barron    | Dial          | Hale   | Rice      |     |
| Bedsole   | Dixon         | Hand   | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley | Smith (J) | —19 |

*Nays:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Campbell | Goodwin  | Langford |
| Amari     | Corbett  | Hilliard | Parsons  |
| Bedford   | Figures  | Holmes   | Sanders  |
| Bennett   |          |          |          |

—12

**BUDGET ISOLATION RESOLUTION**

Senator Bedford moved that B. I. R., H. B. 25, be adopted.

On motion of Senator deGraffenried, said motion to adopt B. I. R., H. B. 25, was laid on the table.

Yeas 19; Nays 11.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Ellis  | Menton    |
| Bailey    | Denton        | Foshee | Preuitt   |
| Barron    | Dial          | Hale   | Rice      |
| Bedsole   | Dixon         | Hand   | Smith (B) |
| Cabaniss  | Drinkard      | Manley | Smith (J) |

—19

*Nays:*

|           |         |          |          |
|-----------|---------|----------|----------|
| Senators: | Bennett | Goodwin  | Langford |
| Amari     | Corbett | Hilliard | Parsons  |
| Bedford   | Figures | Holmes   | Sanders  |

—11

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 25. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

On motion of Senator deGraffenried, further consideration of said Bill, H. B. 25, was postponed subject to the call of the Chair.

Yeas 18; Nays 14.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Ellis  | Preuitt   |
| Bailey    | Denton        | Foshee | Rice      |
| Barron    | Dial          | Hale   | Smith (B) |
| Bedsole   | Dixon         | Hand   | Smith (J) |
| Cabaniss  | Drinkard      | Manley |           |

—18

*Nays:*

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Bishop    | Figures  | Langford |
| Amari     | Campbell  | Goodwin  | Parsons  |
| Bedford   | Corbett   | Hilliard | Sanders  |
| Bennett   | Covington | Holmes   |          |

—14

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 26. To amend Code of Alabama 1975, as amended, §6-5-430, relating to the enforcement of claims originating outside this state to include claims under the common law and statutes of the United States; to provide for the application of the doctrine forum non conveniens; and to provide for dismissal of any such action where a more appropriate forum exists outside this state; and to provide for the conditioning of such dismissal on certain consents by the defendant.

Senator deGraffenried moved that further consideration of the Bill, H. B. 26, be postponed subject to the call of the Chair.

Senator Bedford moved that the motion to postpone subject to the call of the Chair, be laid on the table, which motion was lost.

Yeas 14; Nays 19.

*Yeas:*

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Bishop    | Figures  | Langford |
| Amari     | Campbell  | Goodwin  | Parsons  |
| Bedford   | Corbett   | Hale     | Sanders  |
| Bennett   | Covington | Hilliard |          |

—14

*Nays:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Ellis  | Menton    |
| Bailey    | Denton        | Foshee | Preuitt   |
| Barron    | Dial          | Hand   | Rice      |
| Bedsole   | Dixon         | Holmes | Smith (B) |
| Cabaniss  | Drinkard      | Manley | Smith (J) |

—19

The question recurred on the motion of Senator deGraffenried, that further consideration of the Bill, H. B. 26, be postponed subject to the call of the Chair, which motion was adopted.

Yeas 17; Nays 6.

Abstaining 7.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Ellis  | Manley    |
| Bailey    | Denton        | Foshee | Preuitt   |
| Barron    | Dial          | Hale   | Smith (B) |
| Bedsole   | Dixon         | Hand   | Smith (J) |
| Cabaniss  | Drinkard      |        |           |

—17

*Nays:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Goodwin  | Holmes   | Parsons |
| Covington | Hilliard | Langford |         |

—6

*Abstaining:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Bedford | Campbell | Rice    |    |
| Amari     | Bennett | Corbett  | Sanders | —7 |

**BUDGET ISOLATION RESOLUTION**

Senator Bedford moved that, B. I. R., H. B. 81, be adopted.

On motion of Senator deGraffenried, said motion to adopt B. I. R., H. B. 81, was laid on the table.

Yeas 18; Nays 10.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Preuitt   |     |
| Barron    | Dial          | Hale   | Rice      |     |
| Bedsole   | Dixon         | Hand   | Smith (J) |     |
| Cabaniss  | Drinkard      | Manley |           | —18 |

*Nays:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Bennett  | Figures  | Langford |     |
| Amari     | Campbell | Goodwin  | Sanders  |     |
| Bedford   | Corbett  | Hilliard |          | —10 |

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 81. Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and future damages assessed against that defendant, but that, upon motion of the defendant, the judgment for future damages must be structured over a period not to exceed 15 years so long as the court receives adequate assurance that the defendant can and will make all required payments and so long as the court does not determine that the structure would be manifestly unjust under the circumstances of the case; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or effects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

Senator deGraffenried then moved that further consideration of the Bill, H. B. 81, be postponed subject to the call of the Chair.

Senator Bedford offered a substitute motion that further consideration of the Bill, H. B. 81, be postponed until 9 o'clock A.M., which motion was lost.

Yeas 11; Nays 19.

*Yeas:*

|           |          |           |          |     |
|-----------|----------|-----------|----------|-----|
| Senators: | Bennett  | Covington | Langford |     |
| Amari     | Campbell | Figures   | Parsons  |     |
| Bedford   | Corbett  | Goodwin   | Sanders  | —11 |

*Nays:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Ellis    | Menton    |     |
| Bailey    | Denton        | Foshee   | Preuitt   |     |
| Barron    | Dial          | Hale     | Rice      |     |
| Bedsole   | Dixon         | Hand     | Smith (B) |     |
| Cabaniss  | Drinkard      | Hilliard | Smith (J) | —19 |

The question recurred on the motion of Senator deGraffenried, that further consideration of the Bill, H. B. 81, be postponed subject to the call of the Chair, which motion was adopted.

Yeas 18; Nays 9.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Preuitt   |     |
| Bailey    | Denton        | Hale   | Rice      |     |
| Barron    | Dixon         | Hand   | Smith (B) |     |
| Bedsole   | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  | Ellis         | Menton |           | —18 |

*Nays:*

|           |           |          |          |    |
|-----------|-----------|----------|----------|----|
| Senators: | Campbell  | Goodwin  | Langford |    |
| Bedford   | Corbett   | Hilliard | Parsons  |    |
| Bennett   | Covington |          |          | —9 |

### BUDGET ISOLATION RESOLUTION

Senator Bedford moved that, B. I. R., H. B. 29, be adopted.

On motion of Senator deGraffenried, said motion to adopt B. I. R., H. B. 29, was laid on the table.

Yeas 17; Nays 11.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Preuitt   |     |
| Bailey    | Dial          | Hale   | Rice      |     |
| Barron    | Dixon         | Hand   | Smith (B) |     |
| Bedsole   | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  | Ellis         |        |           | —17 |

*Nays:*

|           |          |         |          |     |
|-----------|----------|---------|----------|-----|
| Senators: | Bennett  | Denton  | Hilliard |     |
| Amari     | Campbell | Figures | Langford |     |
| Bedford   | Corbett  | Goodwin | Sanders  | —11 |

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and to provide the manner in which this bill becomes law.

Senator deGraffenried then moved that further consideration of the Bill, H. B. 29, be postponed subject to the call of the Chair.

Senator Bedford offered a substitute motion that further consideration of the Bill, H.B. 29, be postponed until 6 o'clock A.M.

On motion of Senator deGraffenried, said motion to postpone until 6 o'clock was laid on the table.

Yeas 17; Nays 10.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Preuitt   |     |
| Bailey    | Denton        | Hale   | Rice      |     |
| Barron    | Dial          | Hand   | Smith (B) |     |
| Bedsole   | Dixon         | Manley | Smith (J) |     |
| Cabaniss  | Drinkard      |        |           | —17 |

*Nays:*

|           |          |           |          |     |
|-----------|----------|-----------|----------|-----|
| Senators: | Bennett  | Covington | Langford |     |
| Amari     | Campbell | Goodwin   | Sanders  |     |
| Bedford   | Corbett  | Hilliard  |          | —10 |

The question recurred on the motion of Senator deGraffenried, that further consideration of the Bill, H. B. 29, be postponed subject to the call of the Chair.

Senator Bedford moved that said motion to postpone be laid on the table, which motion was lost.



Yeas 8; Nays 18.

*Yeas:*

|           |          |           |         |    |
|-----------|----------|-----------|---------|----|
| Senators: | Bennett  | Covington | Goodwin |    |
| Amari     | Campbell | Figures   | Sanders |    |
| Bedford   |          |           |         | —8 |

*Nays:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Drinkard | Langford  |     |
| Bailey    | deGraffenried | Ellis    | Rice      |     |
| Barron    | Denton        | Foshee   | Smith (B) |     |
| Bedsole   | Dial          | Hale     | Smith (J) |     |
| Cabaniss  | Dixon         | Hand     |           | —18 |

The question again recurred on the motion of Senator deGraffenried that further consideration of the Bill, H. B. 29, be postponed subject to the call of the Chair, which motion was adopted.

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 30. To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits or claims filed after its effective date and also to suits or claims filed prior to its effective date and which are not dismissed within 60 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Senator deGraffenried moved that further consideration of the Bill, H. B. 30, be postponed subject to the call of the Chair.

Senator Amari offered a substitute motion that further consideration of the Bill, H. B. 30, be postponed until 6 o'clock A.M.

On motion of Senator deGraffenried, said motion to postpone until 6 o'clock A.M. was laid on the table.

Yeas 17; Nays 9.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Denton        | Foshee | Rice      |     |
| Barron    | Dial          | Hale   | Smith (B) |     |
| Bedsole   | Dixon         | Hand   | Smith (J) |     |
| Cabaniss  | Drinkard      |        |           | —17 |

*Nays:*

|           |          |           |         |    |
|-----------|----------|-----------|---------|----|
| Senators: | Bennett  | Covington | Holmes  |    |
| Amari     | Campbell | Goodwin   | Sanders |    |
| Bedford   | Corbett  |           |         | —9 |

The question recurred on the motion of Senator deGraffenried that further consideration of the Bill, H. B. 30, be postponed subject to the call of the Chair, which motion was adopted.

### BUDGET ISOLATION RESOLUTION

Senator Bishop moved that B. I. R., S. B. 88, be adopted.

On motion of Senator deGraffenried, further consideration of the B. I. R., S. B. 88, was postponed subject to the call of the Chair.

### MOTION TO ADJOURN LOST

At 5:01 A.M., Senator Corbett moved that the Senate adjourn until Thursday, May 14, 1987, at 10 o'clock A.M., which motion was lost.

Yeas 10; Nays 23.

*Yeas:*

|           |           |          |         |     |
|-----------|-----------|----------|---------|-----|
| Senators: | Corbett   | Goodwin  | Parsons |     |
| Bedford   | Covington | Hilliard | Sanders |     |
| Bennett   | Figures   | Langford |         | —10 |

*Nays:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Manley    |     |
| Amari     | Campbell      | Ellis    | Menton    |     |
| Bailey    | deGraffenried | Foshee   | Preuitt   |     |
| Barron    | Denton        | Hale     | Rice      |     |
| Bedsole   | Dial          | Hand     | Smith (B) |     |
| Bishop    | Dixon         | Horn     | Smith (J) | —23 |

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section

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27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

Senator deGraffenried moved that further consideration of the Bill, S. B. 88, be postponed subject to the call of the Chair.

Senator Bedford offered a substitute motion that further consideration of the Bill, S. B. 88, be postponed until 6 o'clock A.M.

On motion of Senator deGraffenried, said motion to postpone until 6 o'clock A.M., was laid on the table.

Yeas 20; Nays 9.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Drinkard | Menton    |     |
| Bailey    | deGraffenried | Ellis    | Preuitt   |     |
| Barron    | Denton        | Hale     | Rice      |     |
| Bedsole   | Dial          | Hand     | Smith (B) |     |
| Cabaniss  | Dixon         | Manley   | Smith (J) |     |
| Corbett   |               |          |           | —20 |

*Nays:*

|           |          |          |         |    |
|-----------|----------|----------|---------|----|
| Senators: | Bennett  | Hilliard | Parsons |    |
| Amari     | Campbell | Langford | Sanders |    |
| Bedford   | Goodwin  |          |         | —9 |

The question recurred on the motion of Senator deGraffenried that further consideration of the Bill, S. B. 88, be postponed subject to the call of the Chair, which motion was adopted.

Yeas 18; Nays 11.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Preuitt   |     |
| Bailey    | Dial          | Hale   | Rice      |     |
| Barron    | Dixon         | Hand   | Smith (B) |     |
| Bedsole   | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  | Ellis         | Menton |           | —18 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Campbell  | Figures  | Langford |     |
| Amari     | Corbett   | Goodwin  | Parsons  |     |
| Bedford   | Covington | Hilliard | Sanders  | —11 |

**RECESS**

At 5:30 A.M., Senator deGraffenried moved that the Senate take a recess until 2 o'clock P.M.

Senator Bedford offered a substitute motion that the Senate take a recess until 4 o'clock P.M., which motion was lost.

The question recurred on the motion of Senator deGraffenried, which was adopted, and at 5:35 A.M. the Senate took a recess until 2 o'clock P.M.

The recess period having expired, at 2 o'clock P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 399. Relating to Sumter County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Sumter County legislative delegation.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 399, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Marks (With Notice and Proof):

H. 405. Relating to Morgan County; to levy an additional filing fee in all cases filed in the probate, district or circuit courts of the county to be deposited in the Morgan County Law Library Fund.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 405, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H.B.'s 399 and 405—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Marks (With Notice and Proof):

H. 40. Relating to Morgan County; authorizing the county to pay all its employees whose compensation is provided for by local act bi-weekly

instead of semi-monthly and to repeal all provisions of all local acts which conflict with this act.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 40, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Parker (With Notice and Proof):

H. 181. Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County; and repealing conflicting laws or parts of laws.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 181, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 40 and 181—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

H. 364. Relating to Randolph County; authorizing the county commission to provide a certain expense allowance for the coroner to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such coroner to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such coroner.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 364, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 376. Relating to Escambia County; providing for a monthly retirement benefit for certain employees in the tax collector's office to be paid from the general fund of the county.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 376, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 364 and 376—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Bryant:

H. 448. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Perry County and the operation of said probate judge's office.

Also:

By Reps. Hill and Knight:

H. 453. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 448 and 453—to the Committee on Local Legislation No. 1

(The above numbered bills were read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (W) and Buskey (JE):

H. 358. Relating to any Class 5 municipality; providing for a referendum on the question of adoption of a mayor-council form of government with

five single-member districts and a mayor to be elected at large; establishing the said forms of government; providing for the establishment of boundaries of five districts; and providing for penalties for violations of certain provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 358—to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Williams and Flowers (With Notice and Proof):

H. 118. Relating to Dale County; to require the installation and maintenance of an improved system of recording and indexing documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special index and recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 118, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 118—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Williams and Flowers (With Notice and Proof):

H. 119. Relating to Dale County; to create a license-issuing division within the tax assessor's office for the issuance of certain licenses; to provide

for the selection of personnel for such license-issuing division; to provide certain duties for the divisions; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of licenses by the tax assessor's office and to transfer certain duties now performed by the tax collector and probate judge to said office.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 119, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 277. Relating to St. Clair County; providing further for the county superintendent of education expense allowance.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 277, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 119 and 277—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 435. Relating to Chilton County; levying an ad valorem tax in the county, not to exceed a certain millage rate pursuant to Constitutional Amendment 373, Constitution of 1901, as amended, and simultaneously rescinding certain existing ad valorem taxes enacted pursuant to Amendments 72 and 125 of the said Constitution, which are designated for public health and indigent care, so as to redesignate certain portions of such revenues for law enforcement, county roads and bridges, as well as public health and disease prevention, and other county purposes; providing a referendum on said ad valorem taxes.



I hereby certify that the Notice and Proof is attached to the Bill, H. B. 435, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 435—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 436. Relating to Chilton County; to provide that the probate judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 436, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 436—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Parker (With Notice and Proof):

H. 182. Relating to Morgan County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama,

whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 182, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Parker (With Notice and Proof):

H. 183. Relating to Morgan County; relating to the process of service and its methods by the courts and collection of fees, as provided by law, by the sheriff or his deputy.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 183, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 182 and 183—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (With Notice and Proof):

H. 180. To authorize a procedure whereby the Sheriff of Morgan County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Morgan County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two (2) weeks in a newspaper of general circulation published in Morgan County, Alabama, or by posting in a conspicuous place at the Morgan County Courthouse; to provide that the first publication or posting of said notice shall be twenty (20) days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Morgan County, Alabama, may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing

or auctioning the said property, all proceeds from the sale of said property shall be paid to the Sheriff's Department of Morgan County, Alabama.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 180, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 180—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Payne, Campbell, Clark (J), and Knight:

H. 349. To provide, for an additional fee, to owners of motor vehicles special license tags or plates which represent the various institutions of higher learning in this state; to provide for the design of said tags or plates; to authorize the revenue department to adopt such rules and regulations as are necessary to implement the provisions hereof and to require the department to furnish lists of said tags to sheriffs of this state; to require the removal of said special school tags upon the sale of a motor vehicle; to prohibit unauthorized use of such tags; to name this act the "Martin-Estes-Campbell Act"; to provide for the distribution of the net proceeds of such fees to the general scholarship funds of the respective institutions of higher learning; and to provide for a deduction from Alabama income tax for such proceeds which are distributed to the said scholarship funds.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 349—to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Black:

H. 15. To reopen the employees' retirement system for Chiefs of Police

to purchase retirement credit for any prior period of employment of five years or more in the office of a Sheriff; and to provide for the purchase of said credit at the rate set by an actuarial valuation by the employees' retirement system.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 15—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Turnham:

H. 191. To amend Section 11-43A-27 of the Code of Alabama 1975, as amended, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 191—to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Carter (With Notice and Proof):

H. 100. Relating to Limestone County; to amend the title and Section 1 of Act No. 418, H. 279, Regular Session 1975 (Acts 1975, p. 1014), which authorizes the county governing body to open graves, so as to authorize a charge of \$50.00 per grave for such services.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 100, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Carter (With Notice and Proof):

H. 103. Relating to Limestone County, the city of Athens in Limestone County and other political subdivisions in Limestone County which formally agree to participations, to provide for a "metropolitan-government" consisting of Limestone County, Athens, and such other participating political subdivisions which results from a merger of the political, corporate and economic functions into a single entity, the purpose of which is to provide for the economic and efficient merger of said governmental entities, and to provide for a referendum election procedure to accomplish said merger and reorganization of governmental functions.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 103, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Starkey (With Notice and Proof):

H. 186. Relating to Lauderdale County; abolishing the office of constable in such county.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 186, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Campbell, Willis, and Crow (With Notice and Proof):

H. 283. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 283, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 100, 103, 186, and 283—to the Committee on Local Legislation  
No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hettinger:

H. 84. To amend Sections 11-46-21, 11-46-22, 11-46-24, 11-46-25, 11-46-26, 11-46-27, 11-46-36, 11-46-40, 11-46-51, and 11-43-2, Code of Alabama 1975, relating to municipal elections, so as to establish the dates of municipal elections in certain cities or towns having the mayor-council form of government; and to establish dates and other procedures required in connection with such elections.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 84—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hettinger:

H. 86. To amend Sections 11-46-92, 11-46-93, 11-46-96, 11-46-97, 11-46-98, 11-46-107, 11-46-111, and 11-46-122, Code of Alabama 1975, relating to municipal elections, so as to establish the dates of municipal elections in certain cities or towns having the commission form of government; and to establish dates and other procedures required in connection with such elections.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 86—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Marietta:

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects as provided in

Section 34-2-38 specifically, and as provided in Sections 34-2-30 through 34-2-42 generally, of the Code of Alabama 1975, with certain modifications; to amend Sections 34-2-32, 34-2-33, 34-2-35, and 34-2-40, so as to provide further certain structures to which Article 2 of Title 34 does not apply; to provide further for the qualifications of applicants of the board and the fees and renewal fees of the board's licenses; to provide for the licensing of corporations and partnerships; to prohibit certain practices; and to provide further for meetings and officers of the board.

Also:

By Rep. Marietta:

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors as provided in Section 34-11-30, specifically, and Sections 34-11-1 through 34-11-37, generally, of the Code of Alabama 1975; with certain modifications; to amend Sections 34-11-11 and 34-11-13, so as to provide further for the disciplinary actions of the board and to provide further for the civil appeal procedure for actions of the board.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 152 and 155—to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley (With Notice and Proof):

H. 331. Relating to Coffee County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 331, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 331—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

H. 102. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Limestone County Commission to dispose of dead animals and excavate human graves.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 102—to the Committee on Local Legislation No. 1

(The above numbered bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 48. To establish the venue for all civil actions for damages for personal injury, death or property damage filed against a county or against a municipality.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 48—to the Committee on Judiciary



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Marietta:

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Section 34-3-2 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Also:

By Rep. Marietta:

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board as provided in Section 34-25-4, specifically, and Sections 34-25-1 through 34-25-36, generally, of the Code of Alabama 1975; with one modification to amend Section 34-25-24, so as to increase out-of-state licensees' fees.

Also:

By Rep. Marietta:

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Surface Mining Commission as provided in Section 9-16-33, specifically, and Sections 9-16-1 through 9-16-53, generally, of the Code of Alabama 1975; and the legislature's concurrence thereof.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 156, 157, and 158—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey (With Notice and Proof):

H. 317. Relating to Blount County, to amend Act 85-620 of the 1985 Regular Session, so as to remove the provision that the chairman of the county commission shall be a full time position.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 317, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 317—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Rep. Marietta:

H. B. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Section 34-17-2, specifically, and as provided in Sections 34-17-1 through 34-17-27, generally, of the Code of Alabama 1975, with one modification; to amend Section 34-17-25 so as to provide further for application fees for examination by the board.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 153—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 4. MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.

Also:

S. J. R. 5. DESIGNATING APRIL 9, ANNUALLY, AS "FORMER PRISONER OF WAR RECOGNITION DAY" IN THE STATE OF ALABAMA.

Also:

S. J. R. 6. COMMENDING OLIVER HARRIS DELCHAMPS, JR., OF MOBILE, ALABAMA.

Also:

S. J. R. 7. COMMENDING YANN COWART OF AUBURN UNIVERSITY FOR DISTINGUISHED ACADEMIC AND ATHLETIC ACHIEVEMENT.

Also:

S. J. R. 8. CONGRATULATING THE MONTGOMERY ACADEMY GIRLS VOLLEYBALL TEAM ON THEIR 1986 CLASS 1A STATE CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 11. JOINT RESOLUTION OF THE LEGISLATURE IN SUPPORT OF NATIONAL CRIME VICTIMS WEEK, 1987.

Also:

S. J. R. 14. TO RECOGNIZE THE NEEDS OF CRIME VICTIMS TO BE PROVIDED CERTAIN RIGHTS WITHIN THE CRIMINAL JUSTICE SYSTEM.

Also:

S. J. R. 15. COMMENDING STEVE STEWART OF MONROEVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. J. R. 16. COMMENDING ARLENE MITCHELL, MOBILIAN OF THE YEAR FOR 1986.

Also:

S. J. R. 17. COMMENDING BRIAN GINSBERG OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

Also:

S. J. R. 22. COMMENDING JAMES W. STALLINGS ON HIS DISTINGUISHED TENURE WITH THE STATE DEPARTMENT OF PUBLIC SAFETY.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate.

S. J. R. 39. EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FUTURE U. S. ENERGY NEEDS.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 11th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dr. Oscar Tucker of Tuscaloosa, Alabama, to the Alabama Agricultural and Mechanical University Board of Trustees, representing the 7th Congressional District for the term expiring on January 31, 1992.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 11th day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Alabama Agricultural and Mechanical University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 5th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Borden Morrow, representing the First Congressional District, to the Alabama Commission on Higher Education, for the term expiring on August 31, 1995.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 5th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Charles F. Horton, representing the Seventh Congressional District, to the Alabama Commission on Higher Education, for the term expiring on August 31, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 5th day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Educational Television Commission.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 7th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Tom Jackson of Birmingham, to the Educational Television Commission, replacing Mr. Bill Melson, for the term expiring on June 25, 1996.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 7th day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Educational Television Commission, was read and referred to the Standing Committee on Rules.

**INTRODUCTION OF BILLS**

Upon request, permission was granted for bills to be introduced out of order, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 360. Requiring the statewide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a state barber board for such purpose; prescribing the powers and duties of said board; abolishing all local county barber boards or commissions; providing penalties for violations; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; and specifically repealing sections 34-5-1 through 34-5-16 of the Code of Alabama 1975.

Committee on Business and Labor Relations.

REGULAR SESSION  
8th Day

357

By Senator Hand:

S. 361. To provide for a Class A misdemeanor punishment for violation of the Alabama Department of Public Safety promulgated rules governing motor carrier safety regulations and hazardous material regulations.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Bennett:

S. 362. To provide for the reforestation of forest lands; to authorize the Alabama department of environmental management to establish minimum standards to provide for reforestation; and to require a performance bond by a forest land owner prior to any logging operation.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Holmes:

S. 363. To promulgate "The Construction Equipment Franchise Act" in order to provide for the regulation of construction equipment manufacturers, distributors, wholesalers, dealers and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Committee on Small Business.

By Senators Bedsole and Hand (With Notice and Proof):

S. 364. Relating to Mobile County, to amend Section 5 of Act No. 242, S. B. 79, 1876 Regular Session, as amended, which regulates public schools in the county, so as to provide further for the powers and duties of the county board of education.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 364, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Covington:

S. 365. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

Committee on Small Business.

By Senator Denton:

S. 366. Relating to elections, to establish, operate and maintain a state-wide voter file maintenance system as a service to boards of registrars, such system to provide to the boards of registrars a list of the names of persons who are deceased, convicted of disqualifying crimes, who failed to vote for four consecutive years, or are otherwise no longer qualified to vote as provided

by law; to provide that any elector who fails to vote at least once within a period of four consecutive years shall be removed from the list of active voters; to repeal voter reidentification laws upon completion of reidentification process; to provide that provisions of this act are supplemental to Chapter 4, Title 17, Code of Alabama 1975; to provide for severability; and, to provide effective dates.

Committee on Governmental Affairs.

By Senators Bedsole and Bailey:

S. 367. To amend Section 15-10-3, Code of Alabama, 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant, in certain cases.

Committee on Judiciary.

By Senator Dial (With Notice and Proof):

S. 368. To authorize the establishment of branch banks in Clay County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 368, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bedsole and Cabaniss:

S. 369. To amend §32-9-26, Code of Alabama 1975, which exempts four-wheel, two-axle trailers with the weight of the trailer and load, not to exceed 10,000 pounds, used in farming from restrictions against use of trailers on the highways so as to allow from two to eight wheels and from one to four axles and a weight limit of not more than 36,000 pounds or no more than 10,000 pounds per axle, whichever is less; to amend §32-9-27, Code of Alabama 1975, which requires those trailers exempted under §32-9-26, Code of Alabama 1975, to carry reflectors and not be over eight feet in width and 65 feet in length, to allow the trailer to be up to 10 feet in width and no more than 76 feet in length with a one-foot overhang on each side of the trailer allowed for hauling round bales of hay.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Bedsole and Cabaniss:

S. 370. To define and prohibit the operation of all-terrain vehicles on roadways in Alabama.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Bedsole:

S. 371. To amend Section 32-1-4, Code of Alabama 1975, to provide that custodial arrest is authorized for certain traffic offenders in order to



assure that sufficient bond is given and to delete the provision requiring an immediate hearing upon demand by the offender.

Committee on Judiciary.

By Senators Foshee and deGraffenried:

S. 372. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the advisory board.

Committee on Small Business.

By Senator Parsons (With Notice and Proof):

S. 373. To amend Article VI, of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, to provide a delayed retirement benefit for employees of the Jefferson County Board of Health who have ten years of service, to provide for actuarial reports of the costs of such benefit, to provide an effective date, to provide for the payment of the cost of said benefit, and to provide for related matters.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 373, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Rice and Parsons:

S. 374. Requiring an additional license fee for licensure as a general contractor; and providing that the revenue derived from such additional fee shall be distributed to institutions of higher education offering approved courses in building science.

Committee on Finance and Taxation.

By Senators Rice, Parsons, Dial, and Corbett:

S. 375. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for trailers and semitrailers, so as to authorize a five-year registration option for certain of these.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Corbett and Parsons:

S. 376. To amend Section 25-5-77 of the Code of Alabama 1975 relating to expenses of medical treatment, medicine, supplies and medical services for injured persons under workmen's compensation, so as to prescribe certain requirements relative to obtaining such medical treatment, supplies and services.

Committee on Health.

By Senator Bedsole:

S. 377. To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the parties

for investigation services performed in certain cases involving adoption; and to provide that such fees received be deposited to credit of state public welfare trust fund.

Committee on Public Welfare.

By Senator Bedsole:

S. 378. To require the state department of human resources to charge a fee at the rate of \$20.00 per hour to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications.

Committee on Public Welfare.

By Senator Menton:

S. 379. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers vacating offices upon sentence of imprisonment or hard labor, so as to provide in lieu thereof for suspension and vacating such offices upon such officers being indicted, charged by information, convicted of, or pleading guilty or no contest to, certain crimes.

Committee on Judiciary.

By Senator Dial:

S. 380. To amend Section 14-3-47, Code of Alabama 1975, to expressly allow the commissioner of corrections to train or employ state convicts in camps, posts or stations around the state and to adopt the regulations necessary as determined by the commissioner of corrections.

Committee on Judiciary.

By Senators Manley, Horn, Preuitt, Smith (J), Bennett, and Rice:

S. 381. Relating to alcoholic beverages; to provide for business relations between suppliers and wholesalers of beer and table wine; to require written agreements setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew or refusal to continue said agreement; to provide for the transfer of wholesaler's business, for the establishment of written material and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the agreement or the Act, including method of voluntary arbitration; to provide for civil actions for violations, damages and venue; to provide that the wholesaler may not waive rights set forth in this Act; to provide that the Act relates to existing and future agreements, transferee of wholesaler continuing under written agreement, and supplier's successor; and to provide this Act is cumulative and repeals conflicting and inconsistent laws.

Committee on Governmental Affairs.

By Senator Manley:

S. 382. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by

it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities and local industrial development boards, economic development councils and airport authorities, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Committee on Finance and Taxation.

By Senator Manley:

S. 383. To amend Rule 9(h) of the Alabama Rules of Civil Procedure relating to pleadings involving fictitious parties, so as to provide that every complaint and claim is presumed to be stated against any party whose identity is unknown at the time the pleading is filed; to provide further for amending the pleading within a certain time to add the true name of an unidentified party later discovered; to provide that certain such amendments shall relate back to the filing of the original pleading; to provide that the provisions of this act are severable; and to provide that this act shall apply to actions filed following its effective date.

Committee on Judiciary.

By Senator Parsons:

S. 384. To amend Section 36-30-20, Code of Alabama 1975, as amended, relating to the definitions used in providing for compensation for death or disability of municipal policemen and state troopers from occupational diseases so as to remove the exclusion of any municipalities in any county having a population in excess of 600,000 in the definition of the term "City."

Committee on Local Legislation No. 2.

By Senator deGraffenried:

S. 385. Proposing an amendment to the Constitution of Alabama of 1901, authorizing city and county school boards to levy and collect additional tax or taxes for local school purposes if approved by the qualified electors of the city or county.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 386. Relating to city and county boards of education; authorizing such boards to call a referendum on the question of levying additional taxes to be used for local school purposes pursuant to the ratification of an amendment to the Constitution authorizing same; providing the procedure for any referendums hereunder; and authorizing the levy of the tax approved by the voters.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 387. To require the state board of education to adopt standards for local school systems in the management and supervision of the program areas of finance and student achievement and to ensure that standard accountability as reflected through performance levels specified by the state board of education and verified through monitoring activities including onsite visitation and audits of reports submitted by local school systems; and to provide for intervention to limit and/or supersede local board of education and local superintendent authority when standards are not being met as final assurance of compliance.

Committee on Education.

By Senator Barron:

S. 388. To amend §2-14-1, Code of Alabama 1975, by defining the terms "board" and "pest"; to amend §2-14-3, Code of Alabama 1975, concerning registration fees to be paid by beekeepers so that the State Board of Agriculture and Industries by regulation shall set said fees in an amount not to exceed \$150.00 or 60 cents per colony, whichever is less; to amend §§2-14-2, 2-14-4, 2-14-5, 2-14-6, 2-14-9, 2-14-10, 2-14-11, 2-14-12, 2-14-13 and 2-14-14, Code of Alabama 1975, by replacing the term "infectious and contagious diseases" to read "pests"; to amend §2-14-11, Code of Alabama 1975, to allow indemnity to be paid to registered beekeepers upon destruction of their bees and equipment.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Preuitt and Bedsole:

S. 389. To require written notice to the district attorney and through him to the victim before temporary or conditional release of certain inmates; to define temporary or conditional release; to specify the inmates covered by the crime committed; to specify the notice required and its timing; to define victim; to define notice; and to provide that the district attorney or his assistant may represent the victim in communicating any objections to the Commissioner of the Department of Corrections.

Committee on Judiciary.

By Senators Preuitt and Bedsole:

S. 390. To amend Section 14-3-9, Code of Alabama 1975, relating to the reporting of violations of law and arrest powers by and for Department of Corrections personnel, so as to provide certain specified employees of the

Department of Corrections with full and unlimited police powers and jurisdiction as any other state police officer.

Committee on Judiciary.

By Senators Ellis and Dial:

S. 391. To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the circuit judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional district judgeship to serve Shelby County; to amend Sections 12-11-2 and 12-17-20 and 12-17-61, Code of Alabama 1975, as amended, relating to the composition of judicial circuits and number of circuit and district judges; and, to provide an effective date.

Committee on Finance and Taxation.

By Senators Smith (B), Hale, Barron, and Smith (J):

S. 392. To designate the Huntsville Depot as the Official Railway Museum of Alabama.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Smith (B):

S. 393. To repeal the provisions of Code of Alabama 1975, Section 5-5A-24.

Committee on Banking and Insurance.

By Senator Smith (B):

S. 394. To amend Code of Alabama 1975, Section 5-3A-9; to limit the prohibition against borrowing from a state bank to the superintendent, any assistant superintendent, deputy superintendent and all bank examiners.

Committee on Banking and Insurance.

By Senators Rice, Preuitt, Foshee, and Bedsole:

S. 395. To amend Section 15-19-1 of the Code of Alabama 1975, relating to the Youthful Offender Act, so as to provide that the victim of the crime shall receive written notification five days prior to any hearing, proceeding or sentencing of the defendant.

Committee on Judiciary.

By Senators Rice, Smith (B), Dixon, Campbell, Preuitt, and Bedsole:

S. 396. To amend Section 40-23-61, Code of Alabama 1975, to provide that any over collection of use tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

Committee on Finance and Taxation.

By Senators Rice, Smith (B), Dixon, Campbell, Preuitt, and Bedsole:

S. 397. To amend Section 40-23-2, Code of Alabama 1975, to provide that any over collection of sales tax by a retailer from the customer is paid

over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

Committee on Finance and Taxation.

By Senator Sanders:

S. 398. Proposing an amendment to the Constitution of 1901, as amended, relating to Greene County and the qualifications for office of the judge of probate.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders (With Notice and Proof):

S. 399. Relating to Greene County; levying a lodging tax, providing for the collection and distribution of said tax.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 399, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Denton:

S. 400. To conditionally appropriate \$300,000 of any available funds for the fiscal year 1987-88 to the Boll Weevil Eradication Foundation, conditioned upon the United States Department of Agriculture's putting said eradication program in effect in Alabama and upon the Governor's approval.

Committee on Finance and Taxation.

By Senator Denton:

S. 401. To amend Section 2-19-131, Code of Alabama 1975, providing for certification of the official cotton growers' organization to allow said organization to borrow funds for the purpose of eradicating the boll weevil; to amend Section 2-19-135, Code of Alabama 1975, providing procedures to be used when assessments are not paid. To also declare that assessments constitute a lien which the Commissioner of Agriculture and Industries is authorized to collect.

Committee on Agriculture,  
Conservation, and Forestry.

## RESOLUTION

Senator Bailey requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 54. CREATING THE JOINT STUDY COMMITTEE ON EDUCATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint study committee on education, which shall be a continuing committee to make a

study of the conditions of education in the state, hold hearings and inquire into ways and means of improving conditions in the field of education in the state. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

BE IT FURTHER RESOLVED, That the committee shall consist of the members of the Senate Committee on Education and the House Committee on Education and certain members of the legislature, as appointed by the Lieutenant Governor and the Speaker of the House. The Chairman of the Senate Committee on Education shall serve as chairman of this committee for the first and third years of each legislative quadrennium and the Chairman of the House Committee on Education shall serve as chairman of this committee for the second and fourth years of each legislative quadrennium. The standing committee chairman of education who is not at the time serving as chairman of this committee shall serve as vice chairman of this committee. The chairman of the committee shall set the schedule and program for the committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditure of the committee shall not exceed fifteen thousand dollars (\$15,000) per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. The Secretary of the Senate shall provide secretarial and stenographic assistance and postage as required. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Foreign Trade Relations Commission.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

Done this 6th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Milborn N. Chesser, to the Foreign Trade Relations Commission, replacing Mr. David Turner of Demopolis, Alabama, for the term expiring on August 23, 1992.

Respectfully submitted,  
GUY HUNT,  
Governor.

Done this 6th day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Foreign Trade Relations Commission.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

Done this 6th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Perry O. Hooper, Jr. of Montgomery, Alabama, to the Foreign Trade Relations Commission, replacing Mr. J. Byard Swift, for the term expiring on August 23, 1992.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 6th day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Rules.

**MOTIONS IN WRITING**

Senator Dixon requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 162, on page 45 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 162, referred to the Standing Committee on Rules for placement on the Consent Calendar.



Senator Ellis requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 118, on page 20 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 118, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bailey requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 176, on page 19 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 176, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Dixon requested and received permission to suspend the Rules in order to offer the following Motions in Writing, to-wit:

I move that the Bill, S. B. 153, on page 44 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 153, referred to the Standing Committee on Rules for placement on the Consent Calendar.

I move that the Bill, S. B. 160, on page 4 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 160, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bailey requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 179, on page 20 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 179, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **INTERIM COMMITTEE REPORT FILED**

The final report of the Interim Committee on Finances and Budgets, created by Act 87-19, was read and ordered filed with the Secretary.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mikell, Hooper, McKee, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McMillan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 152. COMMENDING THE SAFETY PROGRAM OF THE INSPECTOR DETECTOR ASSOCIATION AND DESIGNATING "INSPECTOR DETECTOR" AS AN OFFICIAL STATE SAFETY MASCOT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 152, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**BUDGET ISOLATION RESOLUTION**

Senator Langford requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Langford, B. I. R., S. B. 41, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Bishop   | Foshee   | Langford |
| Amari     | Corbett  | Goodwin  | Menton   |
| Bailey    | Denton   | Hale     | Parsons  |
| Barron    | Dixon    | Hand     | Preuitt  |
| Bedford   | Drinkard | Hilliard | Rice     |
| Bedsole   | Ellis    | Holmes   | Sanders  |
| Bennett   | Figures  |          |          |

—25

*Nays:*

—0

**BILLS ON THIRD READING**

THE BILL:

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

was taken up.

Senator Langford offered the following amendment to the Bill, S. B. 41, to-wit:

**AMENDMENT TO S. B. 41**

Amend Senate Bill No. 41, Page 1, Line 20, by striking out 40% after the word equal and inserting 29%.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Bishop   | Foshee   | Langford |     |
| Amari     | Corbett  | Goodwin  | Menton   |     |
| Bailey    | Denton   | Hale     | Parsons  |     |
| Barron    | Dixon    | Hand     | Preuitt  |     |
| Bedford   | Drinkard | Hilliard | Rice     |     |
| Bedsole   | Ellis    | Holmes   | Sanders  |     |
| Bennett   | Figures  |          |          | —25 |

*Nays:* —0

And said Bill, S. B. 41, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Bishop   | Foshee   | Langford |     |
| Amari     | Corbett  | Goodwin  | Menton   |     |
| Bailey    | Denton   | Hale     | Parsons  |     |
| Barron    | Dixon    | Hand     | Preuitt  |     |
| Bedford   | Drinkard | Hilliard | Rice     |     |
| Bedsole   | Ellis    | Holmes   | Sanders  |     |
| Bennett   | Figures  |          |          | —25 |

*Nays:* —0

**MOTION IN WRITING**

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 48, on page 43 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 48, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**RESOLUTION**

Senators Bedsole, Holmes, and Menton requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 55. REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH THE ALABAMA "PRINCIPAL-OF-THE-YEAR PROGRAM."

WHEREAS, the Alabama Legislature wishes to direct the public's attention to the contributions made by all Alabama school principals; and

WHEREAS, we hereby authorize the State Board of Education, jointly with each local board of education within the state to each year designate a principal as the Alabama Principal-of-the-Year; a principal may be nominated for the award by any Alabama resident by means of a nomination form which shall be prepared and distributed by the State Board of Education; nomination for the award shall be open to any person who is employed as a full-time principal, Kindergarten through Grade 12, in a public school under the general control of the State Board of Education; and

WHEREAS, we request that no person shall be considered for the Principal-of-the-Year Award unless such person has been a principal, continuously, for an accumulative period of nine months or more previous to the date of such person's nominations; shall have been formally nominated; and be an active principal in this State at the time of nomination; and

WHEREAS, we urge that persons wishing to nominate a person for the Principal-of-the-Year Award shall forward such nomination, in writing, to the superintendent of the public school district in which the nominee is employed; the district superintendent and school board shall, from all nominations, choose one such nominee and forward the name of such person to the State Superintendent of Public Instruction, together with such additional material as the State Superintendent may request; the evaluation of each nominee for the award, the determination of finalists, and the appointment of judges for the choosing of the winner shall be administered by the State Superintendent in accordance with rules promulgated by the State Board of Education; and

WHEREAS, we request additionally that any funds which may be available from private or public sources to the award recipient shall be expended based on rules and regulations promulgated by the State Board of Education; the principal criterion for use of public funds shall be that of educational benefit to pupils; any funds from private sources which may be granted to the award recipient may be used for the education benefit of pupils or for personal use of the award recipient; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the State Department of Education to establish a Principal-of-the-Year Program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the State Superintendent of Education that he may be made aware of our wishes and desires.

Which was read and referred to the Standing Committee on Rules.

### MOTIONS IN WRITING

Senator Dial requested and received permission to suspend the rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 112, on page 22 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 112, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Holmes requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 108, on page 24 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 108, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BUDGET ISOLATION RESOLUTION

Senator Langford requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Langford, B. I. R., H. B. 83, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Campbell | Foshee   | Langford |
| Amari     | Corbett  | Goodwin  | Menton   |
| Bailey    | Denton   | Hale     | Parsons  |
| Bedsole   | Dial     | Hand     | Preuitt  |
| Bennett   | Dixon    | Hilliard | Rice     |
| Bishop    | Ellis    | Holmes   | Sanders  |
| Cabaniss  | Figures  |          |          |

—25

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 83. To amend Sections 3.02 and 4.02 of Act 618, H. 796, 1973 Regular Session of the Alabama Legislature (Acts 1973, p. 879, et seq.) as amended, relating to the Mayor-Council form of government in certain cities classified on a population basis, so as to provide further for certain procedures relating to declaring candidacy for certain offices in the City of Montgomery in Montgomery County, Alabama, and to provide for retroactive effect to April 1, 1987.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Campbell | Foshee   | Langford |
| Amari     | Corbett  | Goodwin  | Menton   |
| Bailey    | Denton   | Hale     | Parsons  |
| Bedsole   | Dial     | Hand     | Preuitt  |
| Bennett   | Dixon    | Hilliard | Rice     |
| Bishop    | Ellis    | Holmes   | Sanders  |
| Cabaniss  | Figures  |          |          |

—25

*Nays:* —0

**MOTION IN WRITING**

Senator Bennett requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 131, on page 20 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 131, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**BUDGET ISOLATION RESOLUTION**

Senator Holmes requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Holmes, B. I. R., S. B. 218, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Corbett  | Foshee   | Manley  |     |
| Amari     | Denton   | Goodwin  | Menton  |     |
| Bedsole   | Dial     | Hale     | Parsons |     |
| Bennett   | Dixon    | Hand     | Preuitt |     |
| Bishop    | Drinkard | Holmes   | Rice    |     |
| Cabaniss  | Ellis    | Langford | Sanders |     |
| Campbell  | Figures  |          |         | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 218. Relating to the City of Jacksonville, Calhoun County; authorizing the Jacksonville City governing body to levy an additional ad valorem tax in School District Number 53 to be used for educational purposes and providing for a referendum on such taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Corbett  | Foshee   | Manley  |     |
| Amari     | Denton   | Goodwin  | Menton  |     |
| Bedsole   | Dial     | Hale     | Parsons |     |
| Bennett   | Dixon    | Hand     | Preuitt |     |
| Bishop    | Drinkard | Holmes   | Rice    |     |
| Cabaniss  | Ellis    | Langford | Sanders |     |
| Campbell  | Figures  |          |         | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Corbett, B. I. R., H. B. 218, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Corbett  | Foshee   | Manley  |
| Amari     | Denton   | Hale     | Menton  |
| Bedsole   | Dial     | Hand     | Parsons |
| Bennett   | Dixon    | Holmes   | Preuitt |
| Bishop    | Drinkard | Horn     | Rice    |
| Cabaniss  | Ellis    | Langford | Sanders |
| Campbell  | Figures  |          |         |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 218. Relating to Bullock County; to authorize the Bullock County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such county not to exceed three cents (3 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Bullock County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commission of such county for the collection of said taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Corbett  | Foshee   | Manley  |
| Amari     | Denton   | Hale     | Menton  |
| Bedsole   | Dial     | Hand     | Parsons |
| Bennett   | Dixon    | Holmes   | Preuitt |
| Bishop    | Drinkard | Horn     | Rice    |
| Cabaniss  | Ellis    | Langford | Sanders |
| Campbell  | Figures  |          |         |

—25

*Nays:* —0

**MOTION IN WRITING**

Senator Langford requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 42, on page 42 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 42, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BUDGET ISOLATION RESOLUTION

Senator Holmes requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Holmes, B. I. R., S. B. 320, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Denton   | Goodwin  | Manley  |     |
| Amari     | Dial     | Hale     | Menton  |     |
| Bedsole   | Dixon    | Hand     | Parsons |     |
| Bennett   | Drinkard | Holmes   | Preuitt |     |
| Bishop    | Ellis    | Horn     | Rice    |     |
| Cabaniss  | Figures  | Langford | Sanders |     |
| Campbell  | Foshee   |          |         | —25 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 320. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Denton   | Goodwin  | Manley  |     |
| Amari     | Dial     | Hale     | Menton  |     |
| Bedsole   | Dixon    | Hand     | Parsons |     |
| Bennett   | Drinkard | Holmes   | Preuitt |     |
| Bishop    | Ellis    | Horn     | Rice    |     |
| Cabaniss  | Figures  | Langford | Sanders |     |
| Campbell  | Foshee   |          |         | —25 |

*Nays:* —0

### MOTION IN WRITING

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 45, on page 47 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.



Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 45, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., S. B. 349, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Denton   | Goodwin  | Manley  |
| Amari     | Dial     | Hale     | Menton  |
| Bedsole   | Dixon    | Hand     | Parsons |
| Bishop    | Drinkard | Holmes   | Preuitt |
| Cabaniss  | Ellis    | Horn     | Rice    |
| Campbell  | Figures  | Langford | Sanders |
| Corbett   | Foshee   |          |         |

—25

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 349. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Denton   | Goodwin  | Manley  |
| Amari     | Dial     | Hale     | Menton  |
| Bedsole   | Dixon    | Hand     | Parsons |
| Bishop    | Drinkard | Holmes   | Preuitt |
| Cabaniss  | Ellis    | Horn     | Rice    |
| Campbell  | Figures  | Langford | Sanders |
| Corbett   | Foshee   |          |         |

—25

*Nays:* —0

### RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 56. REQUESTING THE DIRECTOR OF THE DEPARTMENT OF INDUSTRIAL RELATIONS TO FURNISH CERTAIN UNEMPLOYMENT DATA TO THE LEGISLATURE.

WHEREAS, the Alabama Legislature feels that unemployment is a major problem for the State of Alabama; and

WHEREAS, when compared to other Southeastern states, Alabama has experienced the highest ranking for the percentage of unemployed during the last five consecutive years, and has ranked high nationally during the same years; and

WHEREAS, each one percentage point of unemployed in Alabama translates into real suffering and hardship for approximately 18,000 workers in Alabama and their families; and

WHEREAS, each one percentage point of unemployed in Alabama translates into an approximate \$12 million reduction in combined sales and income taxes to the Special Educational Trust Fund; and

WHEREAS, the Alabama Legislature is vitally concerned for the welfare of all our citizens and the economic well being of our state and it is important to have accurate statistics and it is hereby expressly declared that the definition of labor dispute under the statutes of Alabama shall not be deemed to include a lock out; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby respectfully request the Director of the Department of Industrial Relations, to keep individual members of this legislature informed, in writing, on a monthly basis, of Alabama's unemployment rate compared with each of the other Southeastern states and the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered forthwith to the Director of the Department of Industrial Relations that he may know of our concern and intent.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTION IN WRITING

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 46, on page 48 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 46, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., H. B. 90, adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | Campbell      | Figures  | Horn    |
| Amari     | Corbett       | Foshee   | Manley  |
| Barron    | deGraffenried | Hale     | Menton  |
| Bedsole   | Denton        | Hand     | Parsons |
| Bennett   | Dial          | Hilliard | Preuitt |
| Bishop    | Dixon         | Holmes   | Rice    |
| Cabaniss  | Ellis         |          |         |

—25

Nays:

—0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 90. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | Campbell      | Figures  | Horn    |
| Amari     | Corbett       | Foshee   | Manley  |
| Barron    | deGraffenried | Hale     | Menton  |
| Bedsole   | Denton        | Hand     | Parsons |
| Bennett   | Dial          | Hilliard | Preuitt |
| Bishop    | Dixon         | Holmes   | Rice    |
| Cabaniss  | Ellis         |          |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., S. B. 261, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Campbell  | Hale     | Manley  |
| Amari     | Covington | Hand     | Menton  |
| Barron    | Denton    | Hilliard | Parsons |
| Bedsole   | Dial      | Holmes   | Preuitt |
| Bennett   | Dixon     | Horn     | Rice    |
| Bishop    | Ellis     | Langford | Sanders |
| Cabaniss  | Foshee    |          |         |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 261. Relating to the 12th Judicial Circuit; to increase a certain fee authorized by Section 12-17-224 of the Code of Alabama 1975, which is collected by the special services division of the district attorney's office; to authorize said special services division to collect up to a certain amount to

be distributed to the person who receives a worthless check and to provide for the expenditure of the proceeds from said fees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |         |     |
|-----------|-----------|----------|---------|-----|
| Senators: | Campbell  | Hale     | Manley  |     |
| Amari     | Covington | Hand     | Menton  |     |
| Barron    | Denton    | Hilliard | Parsons |     |
| Bedsole   | Dial      | Holmes   | Preuitt |     |
| Bennett   | Dixon     | Horn     | Rice    |     |
| Bishop    | Ellis     | Langford | Sanders |     |
| Cabaniss  | Foshee    |          |         | —25 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., S. B. 262, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |         |     |
|-----------|-----------|----------|---------|-----|
| Senators: | Campbell  | Hale     | Manley  |     |
| Amari     | Covington | Hand     | Menton  |     |
| Barron    | Denton    | Hilliard | Parsons |     |
| Bedsole   | Dial      | Holmes   | Preuitt |     |
| Bennett   | Dixon     | Horn     | Rice    |     |
| Bishop    | Ellis     | Langford | Sanders |     |
| Cabaniss  | Foshee    |          |         | —25 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 262. Relating to the Twelfth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said circuit to be paid from county funds on a share and share alike basis by the counties comprising said circuit; prescribing a certain formula for increases in such salary supplements and prescribing certain procedures and conditions relating to the payment of such supplements.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION  
8th Day

379

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Campbell  | Hale     | Manley  |
| Amari     | Covington | Hand     | Menton  |
| Barron    | Denton    | Hilliard | Parsons |
| Bedsolc   | Dial      | Holmes   | Preuitt |
| Bennett   | Dixon     | Horn     | Rice    |
| Bishop    | Ellis     | Langford | Sanders |
| Cabaniss  | Foshee    |          |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., H. B. 91, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | Campbell      | Foshee   | Manley  |
| Amari     | Corbett       | Hale     | Menton  |
| Barron    | deGraffenried | Hand     | Parsons |
| Bedsolc   | Dial          | Hilliard | Preuitt |
| Bennett   | Drinkard      | Holmes   | Rice    |
| Bishop    | Ellis         | Horn     | Sanders |
| Cabaniss  | Figures       |          |         |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 91. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

|           |               |          |         |     |
|-----------|---------------|----------|---------|-----|
| Senators: | Campbell      | Foshee   | Manley  |     |
| Amari     | Corbett       | Hale     | Menton  |     |
| Barron    | deGraffenried | Hand     | Parsons |     |
| Bedsole   | Dial          | Hilliard | Preuitt |     |
| Bennett   | Drinkard      | Holmes   | Rice    |     |
| Bishop    | Ellis         | Horn     | Sanders |     |
| Cabaniss  | Figures       |          |         | —25 |

Nays:

—0

**RESOLUTIONS**

Senators Preuitt, Amari, Bailey, Barron, Bedford, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 57. COMMENDING ANN BEDSOLE OF MOBILE UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

WHEREAS, the Alabama Legislature, in great personal pride, most warmly congratulates our friend and colleague, Ann Bedsole of Mobile, upon her charter induction into the Alabama Women's Academy of Honor, a prestigious conferment of the Business and Professional Women's Foundation Board, in recognition of Mrs. Bedsole's distinguished service to community, state and nation; and

WHEREAS, Ann Bedsole, who was elected to the Alabama House of Representatives in 1978, became the first Republican woman to serve in the Alabama Legislature since Reconstruction; she also was the first woman ever elected to the Alabama Senate and now, in her third senatorial term, is the first woman to chair a standing committee of that body; and

WHEREAS, Mrs. Bedsole, however, in addition to the arduous demands of her public career, has extended her involvement to include numerous volunteer and leadership activities on both local and statewide levels, as well as nationally, and in such areas as education, youth, the arts, historical development and preservation, tourism, conservation and Dauphin Way United Methodist Church, among others; and

WHEREAS, her endeavors, furthermore, have been recognized through bestowal of a number of honors and accolades from many institutions and organizations including Huntingdon, Mobile and Spring Hill Colleges, the Perdue Hill-Claiborne Historic Foundation, the Society of American Foresters, and the Alabama Forestry Commission; and

WHEREAS, in grateful acknowledgement of Mrs. Bedsole's contributions and accomplishments on behalf of the citizens of Mobile, Alabama, and the nation, we also note that her leadership role as a responsible and concerned citizen long predates her service in political office, and these contributions of such long standing continue to impact on the lives of all those she serves with great distinction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great honor and privilege, we hereby commend our friend and colleague from Mobile, Alabama, Senator Ann Bedsole, whom we hold in highest personal regard and to whom a copy of this resolution shall be presented.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Preuitt, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 58. COMMENDING ANNETTE SHELBY UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

WHEREAS, the Legislature of Alabama notes with highest commendation the induction of Annette Shelby into the Alabama Women's Academy of Honor, a prestigious and charter membership bestowal by the Business and Professional Women's Foundation Board; and

WHEREAS, a graduate of the University of Alabama with both the B. A. and M. A. degrees, Annette Shelby also holds a Ph. D. from Louisiana State University; she formerly was associated with the School of Speech and later the Graduate School of Commerce and Business Administration at the University of Alabama, where she became a tenured Associate Professor, and currently is a member of the Graduate faculty at Georgetown University where she is the only woman ever to obtain said permanent status in the school; and

WHEREAS, Dr. Shelby, who is a specialist in the areas of management communication, organizational communication, public speaking and advocacy, rhetorical theory, and issues management, is the recipient of numerous awards and honors in recognition of outstanding achievement throughout her academic career including, among others, Phi Beta Kappa, Phi Kappa Phi, the Leavey Award for Excellence in Private Enterprise Education, the Speech Communication Association's Golden Anniversary Monograph Award, a Danforth Foundation National Advisory Council appointment, World Who's Who of Women, Notable Americans and Personalities of the South; and

WHEREAS, she further has published more than 30 professional articles, a number of books as well as other publications, and has directed theses and independent research at both the University of Alabama and Georgetown University; and

WHEREAS, Dr. Annette Shelby is indeed an exemplar of achievement and an outstanding model for the women of Alabama and America who would seek to achieve success in highest degree in a dual, career-family role; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of highest regard, we hereby commend Dr. Annette Shelby, and further direct that she receive a copy of this resolution in sincere admiration of her distinguished achievement.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

Senator Amari requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 3. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

On motion of Senator Amari, further consideration of the Bill, S. B. 3, was postponed subject to the call of the Chair.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

JIM SMITH,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 32. COMMENDING FAYETTE COUNTY DEPUTY SHERIFF JOE STOUGH FOR DISTINGUISHED PERFORMANCE OF DUTY.

Also:

S. J. R. 33. COMMENDING ANTHONY P. VOYLES OF MONTGOMERY, ALABAMA, 1987 MARCH OF DIMES NATIONAL AMBASSADOR.

Also:

S. J. R. 34. COMMENDING HUGO STONE FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

Also:

S. J. R. 36. COMMENDING BRADY BACCUS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

Also:

S. J. R. 38. WELCOMING EMILY ELIZABETH AMARI.

JOHN W. PEMBERTON,  
Clerk.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 26. COMMENDING HUGH AKERS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION

Also:

S. J. R. 27. COMMENDING ELTON TOWNSEND ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

S. J. R. 28. COMMENDING YVONNE MCCARLEY RAY OF HAMILTON, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. J. R. 29. NAMING THE CLAY COUNTY LEARNING CENTER IN ASHLAND, ALABAMA, IN HONOR OF EMMA JEAN MCKINNEY AND THE LATE BILL MCKINNEY.

Also:

S. J. R. 30. COMMENDING 1987 MERIT MOTHER OF THE YEAR, BENNIE JONES CANNON NOLEN OF FAYETTE, ALABAMA.

Also:

S. J. R. 31. COMMENDING THE FLOYD JUNIOR HIGH SCHOOL CHEERLEADERS ON THEIR NATIONAL CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Flowers:

H. J. R. 115. NAMING THE JACK DUNN ROAD.

Also:

By Rep. Walker:

H. J. R. 117. CONGRATULATING AND COMMENDING MR. HENRY WALTERS OF LEGRAND, ALABAMA, ON THE OCCASION OF HIS 73RD BIRTHDAY.

Also:

By Reps. Cosby, Bryant, and Thomas:

H. J. R. 118. COMMENDING THE CEDAR PARK/EDGEWOOD OLYMPICS OF THE MIND TEAM.

Also:

By Rep. Gaston:

H. J. R. 121. COMMENDING EMMETT V. MOSELEY OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 115, 117, 118, and 121, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 151. COMMENDING JACK PRATT OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 151, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration.

By Rep. Petelos:

H. J. R. 154. CONGRATULATING DAVEY ALLISON OF HUEYTOWN, ALABAMA, ON HIS CAPTURE OF THE 18TH ANNUAL WINSTON 500.

Also:

By Rep. Bryant:

H. J. R. 155. MOURNING THE DEATH OF SANDY BENNETT OF NEWBERN, HALE COUNTY, ALABAMA.

Also:

By Rep. Lindsey:

H. J. R. 156. COMMENDING L. D. BRUCE ON A DISTINGUISHED CAREER WITH THE CHEROKEE COUNTY SCHOOL SYSTEM.

Also:

By Reps. Kennedy, Buskey (JE) and Newton:

H. J. R. 157. MOURNING THE DEATH OF THE REVEREND DR. MARION L. NEWMAN OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 154, 155, 156, and 157, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, and Wright:

H. J. R. 169. COMMENDING OUR COLLEAGUE, MARY ZOGHBY, 1986 FIRST LADY OF MOBILE.

Also:

By Reps. Moon, Richardson, Faulk, Blakeney, Breedlove, Bryant, Hamilton, Lindsey, Logan, Mathis, Penry, Rains, Warren, White (F), and Willis:

H. J. R. 171. DESIGNATING THE WEEK OF MAY 24-30, 1987, AS "HEIFER PROJECT INTERNATIONAL WEEK" IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 169 and 171, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Blake and Junkins:

H. J. R. 164. COMMENDING JULIUS MITCHELL OF PELL CITY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

Also:

By Reps. Blake and Junkins:

H. J. R. 165. COMMENDING OPAL ROBINSON OF SPRINGVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

Also:

By Rep. Wright:

H. J. R. 166. COMMENDING ADDIE RHODES LEE OF MIDFIELD, "ALABAMA TEACHER OF THE YEAR 1987."

Also:

By Rep. Blakeney:

H. J. R. 167. COMMENDING AND CONGRATULATING COACH NOLAN J. ATKINS AND THE SWEET WATER HIGH SCHOOL BULLDOGS ON THEIR 1986 CLASS 1A FOOTBALL CHAMPIONSHIP.

Also:

By Rep. McClain:

H. J. R. 170. COMMENDING CURTIS ALLEN GARRETT OF MIDFIELD, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 164, 165, 166, 167, and 170, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Payne and Biddle:

H. J. R. 150. CONGRATULATING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Reps. Grouby, Kvalheim, and Flowers:

H. J. R. 153. HONORING RALPH WYATT ADAMS OF TROY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 150, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Goodwin, the Rules were suspended and the Resolution, H. J. R. 153, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 137. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 7, 1987, we adjourn to meet again on Tuesday, May 12, 1987.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Goodwin, the Rules were suspended and the Resolution, H. J. R. 137, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Grayson, Brooks, Freeman, Hall, Hettinger, and Butler:

H. J. R. 133. COMMENDING J. O. JOHNSON HIGH SCHOOL JAGUARS BOYS BASKETBALL TEAM, 1987 6A STATE CHAMPIONS.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 133, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Richardson:

H. J. R. 112. ENDORSING THE IMPROVEMENTS OF THE MANAGEMENT STRUCTURE FOR THE TENNESSEE VALLEY AUTHORITY.

WHEREAS, the Tennessee Valley Authority in the past was of great usefulness to the people of North Alabama by taming the Tennessee River, helping bring electricity to remote rural areas, encouraging economic development through the availability of low-cost electric energy for industry, developing of new fertilizers to increase farm production, and fostering of unified resource development activities; and

WHEREAS, the future economic well-being of the people of North Alabama depends on the efficient and economical operation of the Tennessee Valley Authority which requires the highest degree of strong, experienced, professional management for the authority; and

WHEREAS, the future direction of the Tennessee Valley Authority requires sensitivity and responsiveness to the needs of the people of the entire Tennessee Valley service area; and

WHEREAS, legislation has been proposed in the U. S. Congress to provide the Tennessee Valley Authority with a broadly-based, representative, responsive policy-making Board of Directors; and

WHEREAS, the same legislation would enable the Tennessee Valley Authority to employ a strong, experienced executive officer to operate the corporation in the most efficient and economical manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse the improvements for the Tennessee Valley Authority's management structure as called for in H. R. 2025, 100th Congress.

BE IT FURTHER RESOLVED, That Alabama's U. S. Senators and U. S. Representatives are hereby urged to sponsor H. R. 2025 or similar legislation and work for the approval of the proposal in the U. S. Congress.

RESOLVED FURTHER, That copies of this resolution be conveyed to members of the U. S. Congress from the State of Alabama and the other states served by the Tennessee Valley Authority.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 112, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry, Mikell, and Harper:

H. J. R. 111. MEMORIALIZING THE U.S. CONGRESS AND THE DEPARTMENT OF COMMERCE TO STUDY TURTLE EXCLUDER DEVICES WHICH HAVE DETRIMENTAL EFFECTS ON OUR SHRIMPING INDUSTRY.

WHEREAS, a Turtle Excluder Device (TED) is constructed of parallel steel bars and is sewn into shrimp trawls so that turtles and other large objects (such as large fish, sharks, etc.) will strike the bars and the object will be diverted out through a slit in the trawl; and

WHEREAS, most development and testing was done by the National Marine Fisheries Service of the U.S. Department of Commerce on the east coast of Florida where there are many turtles but where trawling conditions are different than in the Gulf of Mexico; tests showed that most turtles were deflected but the loss of shrimp was poorly studied because of low catches in the test area. Shrimpers who have used them in different areas of the Gulf have experienced the following problems:

1. Unacceptable loss of shrimp.
2. Fouling of the parallel bars with sea grass, weeds and other debris.
3. Dangerous handling in rough seas.
4. Lack of confidence in TEDS and understanding why they are needed in areas where there are very few sea turtles; and

WHEREAS, many factors have affected turtles such as beach development, oil field development, slaughter in Mexico and others; shrimp trawls are scheduled to be regulated because NMFS doesn't know how to deal with the other problems; and

WHEREAS, more testing is needed in the Gulf under realistic conditions to determine shrimp loss and better design of TEDS and more information is needed to delineate areas where TEDS are actually required before covering such areas as Mobile Bay; there are localized areas where they may be required but not in all areas now selected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the National

Marine Fisheries Service of the U.S. Department of Commerce to do extensive statistical studies on the Turtle Excluder Devices (TEDS) so as to protect the shrimp from his losses of shrimp, money and time in the release of snared turtles and to make a realistic decision based on factual data if such device is warranted to justify such expenditure and hardship for the shrimpers.

BE IT FURTHER RESOLVED, That we strenuously object to the use of TEDS or any similar devices off the coast of Alabama until the aforementioned research and studies are made.

RESOLVED FURTHER, That copies of this resolution be sent to the Alabama Department of Conservation and Natural Resources, the National Marine Fisheries Service and to each member of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 111, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Williams and Holley:

H. J. R. 113. MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.

Also:

By Reps. Marks, Parker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 114. COMMENDING SUSAN D. PARKER OF HARTSELLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 113 and 114, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Coburn, Carothers, Laird, Faulk, Johnson (RG), Haynes, Mathis, White (L), Beasley, White (G), Turnham, Richardson, Bugg, Rains, Crow, Drake, Willis, Frazier, Campbell, and Clark (J):

H. J. R. 97. TO ESTABLISH A LEGISLATIVE COMMITTEE TO MAKE RECOMMENDATIONS AS TO THE APPROPRIATE STATE AGENCY TO ADMINISTER THE MEDICAID WAIVERED SERVICES PROGRAM FOR THE ELDERLY AND TO URGE THE GOVERNOR TO DELAY THE TRANSFER OF THE MEDICAID WAIVERED SERVICES CURRENTLY BEING ADMINISTERED BY THE COMMISSION ON AGING TO THE DEPARTMENT OF HUMAN RESOURCES SCHEDULED TO BE EFFECTIVE MAY 1, 1987 PENDING THE RECOMMENDATIONS OF THE LEGISLATIVE COMMITTEE CREATED HEREIN.

WHEREAS, the Legislature is vitally interested in the most effective and efficient delivery of medical services to the elderly citizens of the State of Alabama, and;

WHEREAS, the Alabama Commission on Aging has been designated by the Legislature of the State of Alabama to serve as the lead agency in the state government to address the concerns of the elderly, and;

WHEREAS, the Alabama Commission on Aging has designated thirteen (13) agencies in the state and Area Agencies on Aging in their planning and service areas to assess the needs of the elderly, identify gaps in services, develop and coordinate needed services and serve as an advocate for the elderly, and;

WHEREAS, the Alabama Commission on Aging has identified in-home services of the frail elderly as a significant need throughout the state, and;

WHEREAS, the Alabama Medicaid Agency submitted to the Health Care Finance Administration a proposal and received approval to conduct a Medicaid Waiver Services Program with the Alabama Commission on Aging and the Area Agencies on Aging identified as partners in the project, and;

WHEREAS, the Alabama Commission on Aging and the Area Agencies on Aging have administered this program for two and one-half (2-1/2) years with favorable reports and audits from the Health Care Finance Administration, and;

WHEREAS, a transfer of the delivery of Medicaid Waiver Services currently being provided by the Commission on Aging to the Department of Human Resources is scheduled to take effect on May 1, 1987.

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Alabama, does hereby establish a Legislative Committee to consist

of three (3) members of the House of Representatives to be appointed by the Speaker of the House of Representatives and three (3) members of the Senate to be appointed by the Lieutenant Governor to study the proposed transfer of the Medicaid Waivered Services Program from the Commission on Aging to the Department of Human Resources and to make recommendations to the Legislature and the Governor as to the appropriate state agency to administer said program in the most efficient and effective manner. Said Committee shall make its report to the Legislature and Governor by June 15, 1987.

BE IT FURTHER RESOLVED, that the Legislature does hereby respectfully request the Governor to delay the transfer from the Commission on Aging to the Department of Human Resources of the Medicaid Waivered Services Program scheduled to take effect May 1, 1987 until such time as the Legislative Committee created herein does present its findings and recommendations.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 97, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Warren:

H. J. R. 120. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

WHEREAS, the Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings, hearings and its members have conducted an exhaustive study; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this committee do additional studies and research into the area of its responsibilities; and therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby allocated an additional sum sufficient to cover the costs and expense allowances authorized for the committee, not to exceed \$7,500, which shall be paid from any funds appropriated for the use of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 120, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

**H. J. R. 119. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a Joint Legislative Interim Committee to Study the Steel Industry. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The Committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman.

The Committee shall study all aspects due to the possibility of closing the Gadsden plant in the Southern District and the depressed steel industry throughout the nation. This Committee shall study the crucial issues facing the steel industry in Alabama and recommend ways in which the State of Alabama can assist the industry to resolve these special problems. The Committee's review, while specifically directed to the area of financing and capital formation, environment and imported steel, may include other topics as well.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but shall receive their travel expenses as they travel upon the business of the committee within and without the state. The total of such expenses shall not exceed \$20,000.

**AMENDMENT TO H. J. R. 119**

Amend H. J. R. 119, Page 2, Line 15, by striking the following:

\$20,000

And substituting in lieu thereof the following:

\$7,500

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 119, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McDowell:

H. J. R. 172. COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 172, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (RG), Carothers, Freeman, Hall, Faulk, Flowers, Drake, and Warren:

H. 171. Relating to the liability of physicians and osteopaths serving on hospital committees; to state the legislative intent; to provide definitions for the terms hospital, physician, health maintenance organization, professional society, hospital medical staff, and committee; to provide that any physician, osteopath or other health care provider serving on any committee of a hospital medical staff, health maintenance organization or professional society and any consultant, attorney, auxiliary personnel or employee of such committee shall not be liable to any person for any damages arising from any claim whatsoever related to or arising out of any action, investigation, report or recommendations made or taken by such committee when such action, investigation, report or recommendation was taken or made by him within the scope of his function as a member of the committee without malice and in good faith in the reasonable belief that such action, investigation, report or recommendation was warranted by the facts known or reasonably established; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 171—to the Committee on Health

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F):

H. 70. To amend Section 41-9-341, Code of Alabama 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the commission.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 70—to the Committee on Finance and Taxation

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. A. L. Munford to the Board of Trustees, University of Montevallo.

On motion of Senator Smith (J), the appointment of Mr. Munford was confirmed by the Senate.

Yeas 19; Nays 0.

Abstaining 1.

Yeas:

|           |          |          |           |      |
|-----------|----------|----------|-----------|------|
| Senators: | Campbell | Foshee   | Manley    |      |
| Amari     | Denton   | Goodwin  | Menton    |      |
| Bailey    | Dial     | Hand     | Preuitt   |      |
| Bedsole   | Drinkard | Hilliard | Smith (B) |      |
| Bennett   | Figures  | Langford | Smith (J) | — 19 |

Nays: —0

Abstaining: Senator Ellis —1

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. William F. Denson, III, to the Board of Trustees, University of Montevallo.

On motion of Senator Bennett, the appointment of Mr. Denson was confirmed by the Senate.

Yeas 17; Nays 0.

Abstaining 1.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Goodwin  | Manley    |     |
| Amari     | Denton   | Hand     | Preuitt   |     |
| Bedsole   | Dial     | Hilliard | Smith (B) |     |
| Bennett   | Dixon    | Langford | Smith (J) |     |
| Cabaniss  | Drinkard |          |           | —17 |

*Nays:* —0

*Abstaining:* Senator Ellis —1

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Al Knight to the Board of Trustees, University of Montevallo.

On motion of Senator Ellis, the appointment of Mr. Knight was confirmed by the Senate.

Yeas 17; Nays 0.

Abstaining 1.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Cabaniss | Goodwin  | Manley    |     |
| Amari     | Campbell | Hand     | Preuitt   |     |
| Bailey    | Denton   | Hilliard | Smith (B) |     |
| Bedsole   | Dixon    | Langford | Smith (J) |     |
| Bishop    | Drinkard |          |           | —17 |

*Nays:* —0

*Abstaining:* Senator Ellis —1

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Theodore Farr to the Board of Trustees, University of Montevallo.

On motion of Senator Bennett, the appointment of Mr. Farr was confirmed by the Senate.

Yeas 19; Nays 0.

Abstaining 1.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Hale     | Langford  |     |
| Amari     | Denton   | Hand     | Manley    |     |
| Bedsole   | Dial     | Hilliard | Preuitt   |     |
| Bennett   | Drinkard | Holmes   | Smith (B) |     |
| Cabaniss  | Goodwin  | Horn     | Smith (J) | —19 |

*Nays:* —0

*Abstaining:* Senator Ellis —1

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mayor Jay Jackson to the Board of Trustees, Alabama Institute for the Deaf and Blind.

On motion of Senator Corbett, the appointment of Mayor Jackson was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Corbett   | Hilliard | Preuitt   |     |
| Amari     | Covington | Holmes   | Rice      |     |
| Bennett   | Dial      | Horn     | Smith (B) |     |
| Cabaniss  | Goodwin   | Langford | Smith (J) |     |
| Campbell  | Hand      | Manley   |           | —18 |

*Nays:* —0

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John Peavy to the Board of Trustees, Alabama Institute for the Deaf and Blind.

On motion of Senator Smith (J), the appointment of Mr. Peavy was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Denton   | Holmes   | Preuitt   |     |
| Bailey    | Dial     | Horn     | Rice      |     |
| Bennett   | Goodwin  | Langford | Smith (B) |     |
| Cabaniss  | Hand     | Manley   | Smith (J) |     |
| Campbell  | Hilliard | Menton   |           | —18 |

*Nays:* —0

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Calvin Wooten to the Board of Trustees, Alabama Institute for the Deaf and Blind.

On motion of Senator Holmes, the appointment of Mr. Wooten was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Denton  | Hilliard | Preuitt   |     |
| Bailey    | Dial    | Holmes   | Rice      |     |
| Bennett   | Ellis   | Horn     | Smith (B) |     |
| Cabaniss  | Goodwin | Langford | Smith (J) |     |
| Campbell  | Hand    | Menton   |           | —18 |

*Nays:*

—0

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Sage Lyons to the Alabama State Docks Advisory Committee.

On motion of Senator Menton, the appointment of Mr. Lyons was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Dial    | Hilliard | Preuitt   |     |
| Bailey    | Dixon   | Holmes   | Rice      |     |
| Bennett   | Ellis   | Horn     | Smith (B) |     |
| Campbell  | Goodwin | Langford | Smith (J) |     |
| Denton    | Hand    | Menton   |           | —18 |

*Nays:*

—0

**RESOLUTION**

Senators Bennett, Hilliard, and Horn requested and received permission to offer the following Senate Joint Resolution, to-wit:

S. J. R. 59. COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the numerous and outstanding contributions of Johnny Long, Bessemer, Alabama, to District 35 of United Steelworkers of America and his



selection as the recipient of the 1987 Labor Award of the Organized Labor and Workmen's Circle; and

WHEREAS, a native of Gainesville, Alabama, and a graduate of Bessemer's Brighton High School, Mr. Long attended Booker T. Washington Business College and the University of Alabama Center for Labor Education; he is a 1973 graduate of Lawson State Community College and has completed additional studies at Georgia State University; and

WHEREAS, Mr. Long, who is a United States Air Force veteran with four years' service, began his career in United Steelworkers of America in 1955 as a pipe finisher with U. S. Pipe and Foundry Company; he was first elected as recording secretary of Local Union 2140 and later served as financial secretary, and as president for two terms; and

WHEREAS, in 1976, he was appointed by the union's international president to serve as staff representative in the Atlanta, Georgia, area of District 35 and he is the district's Civil Rights Coordinator, Consent Decree Coordinator and is a District 35 educator; and

WHEREAS, Mr. Long, as present assistant director of District 35, United Steelworkers of America, works closely with the Georgia State AFL-CIO, and is a vice president of the Atlanta Labor Council and member of A. Philip Randolph Institute, the Coalition of Labor Union Women, the Industrial Relations Research Association and the Martin Luther King, Jr., Center for Social Change; and

WHEREAS, Mr. Long further extends his activities to include involvement in the affairs of Antioch Baptist Church and he serves by appointment of Atlanta Mayor Andrew Young on that city's Civil Service Board; he also is a former two-term president of the Democratic Executive Committee, served as Constable of District 49 for two terms and was president of the Community Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and contributions to United Steelworkers of America, we hereby commend Johnny Long of Bessemer, Alabama, whom we hold in highest esteem and to whom a copy of this resolution shall be presented.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Claude Swift to the Alabama Forestry Commission:

On motion of Senator Smith (J), the appointment of Mr. Swift was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hilliard | Preuitt   |     |
| Bailey    | Denton        | Horn     | Rice      |     |
| Bennett   | Dial          | Langford | Smith (B) |     |
| Cabaniss  | Dixon         | Menton   | Smith (J) |     |
| Campbell  | Hand          | Parsons  |           | —18 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. William D. "Buddy" Wise to the Board of Appeals for the Alabama Department of Industrial Relations.

On motion of Senator Smith (J), the appointment of Mr. Wise was confirmed by the Senate.

Yeas 18; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Hilliard | Preuitt   |     |
| Amari     | deGraffenried | Langford | Rice      |     |
| Bailey    | Denton        | Manley   | Smith (B) |     |
| Bishop    | Dixon         | Menton   | Smith (J) |     |
| Cabaniss  | Hand          | Parsons  |           | —18 |

|                             |  |  |  |    |
|-----------------------------|--|--|--|----|
| <i>Nay:</i> Senator Corbett |  |  |  | —1 |
|-----------------------------|--|--|--|----|

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Keith Wilson to the Athletic Commission.

On motion of Senator Smith (J), the appointment of Mr. Wilson was confirmed by the Senate.

Yeas 17; Nays 1.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dixon    | Horn     | Preuitt   |     |
| Amari         | Figures  | Langford | Rice      |     |
| Bailey        | Foshee   | Manley   | Smith (B) |     |
| Cabaniss      | Hand     | Menton   | Smith (J) |     |
| deGraffenried | Hilliard |          |           | —17 |

|                             |  |  |  |    |
|-----------------------------|--|--|--|----|
| <i>Nay:</i> Senator Corbett |  |  |  | —1 |
|-----------------------------|--|--|--|----|

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jeffrey B. Reeves to the Athletic Commission.

On motion of Senator Menton, the appointment of Mr. Reeves was confirmed by the Senate.

Yeas 17; Nays 1.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Langford | Preuitt   |     |
| Amari     | Ellis    | Manley   | Rice      |     |
| Bedsole   | Figures  | Menton   | Smith (B) |     |
| Bennett   | Foshee   | Parsons  | Smith (J) |     |
| Cabaniss  | Hand     |          |           | —17 |

*Nay:* Senator Corbett —1

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John B. Dutton as the Director of the Alabama State Docks.

On motion of Senator Bedsole, the appointment of Mr. Dutton was confirmed by the Senate.

Yeas 18; Nays 1.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Cabaniss | Hand     | Preuitt   |     |
| Amari     | Ellis    | Langford | Rice      |     |
| Bailey    | Figures  | Manley   | Smith (B) |     |
| Bedsole   | Foshee   | Menton   | Smith (J) |     |
| Bennett   | Hale     | Parsons  |           | —18 |

*Nay:* Senator Corbett —1

**RECESS**

At 5:15 P.M., on motion of Senator Corbett, the Senate took a recess until 7 o'clock this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate

Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 18. GOAL-SETTING FOR EDUCATION IN ALABAMA.

On motion of Senator Ellis, said Resolution was then adopted by the Senate.

### **ADJOURNMENT**

At 7:15 P.M., on motion of Senator Corbett, the Senate adjourned until Thursday, May 14, 1987, at 10 o'clock A.M.

**NINTH LEGISLATIVE DAY  
THURSDAY, MAY 14, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kim Free, Goodwyn Junior High School, Montgomery, Alabama.

**ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

—34

**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 60. SPECIAL ORDER FOR 9TH LEGISLATIVE DAY.

RESOLVED BY THE SENATE, That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the ninth legislative day of the 1987 Regular Session of the Alabama Legislature unless superseded by a further report or resolution from the Committee on Rules.

1. Uncontested Local Bills
2. Motions and Resolutions
3. Committee Reports

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

### BILLS ON THIRD READING

#### THE BILL:

S. 271. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

was taken up.

On motion of Senator Hilliard, further consideration of the Bill, S. B. 271, was postponed temporarily.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.

Also:

S. J. R. 5. DESIGNATING APRIL 9, ANNUALLY, AS "FORMER PRISONER OF WAR RECOGNITION DAY" IN THE STATE OF ALABAMA.

Also:

S. J. R. 6. COMMENDING OLIVER HARRIS DELCHAMPS, JR., OF MOBILE, ALABAMA.

Also:

S. J. R. 7. COMMENDING YANN COWART OF AUBURN UNIVERSITY FOR DISTINGUISHED ACADEMIC AND ATHLETIC ACHIEVEMENT.

Also:

S. J. R. 8. CONGRATULATING THE MONTGOMERY ACADEMY GIRLS VOLLEYBALL TEAM ON THEIR 1986 CLASS 1A STATE CHAMPIONSHIP.

Also:

S. J. R. 11. JOINT RESOLUTION OF THE LEGISLATURE IN SUPPORT OF NATIONAL CRIME VICTIMS WEEK, 1987.

Also:

S. J. R. 14. TO RECOGNIZE THE NEEDS OF CRIME VICTIMS TO BE PROVIDED CERTAIN RIGHTS WITHIN THE CRIMINAL JUSTICE SYSTEM.

Also:

S. J. R. 15. COMMENDING STEVE STEWART OF MONROEVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. J. R. 16. COMMENDING ARLENE MITCHELL, MOBILIAN OF THE YEAR FOR 1986.

Also:

S. J. R. 17. COMMENDING BRIAN GINSBERG OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

Also:

S. J. R. 22. COMMENDING JAMES W. STALLINGS ON HIS DISTINGUISHED TENURE WITH THE STATE DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 39. EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FUTURE U.S ENERGY NEEDS.

JIM SMITH,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORTS OF COMMITTEES**

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron (With Notice and Proof):

S. 99. Relating to DeKalb County; to create a motor vehicle license and title division within the tax assessor's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by the tax assessor's office; to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

By Senator Manley:

S. 291. To propose a constitutional amendment amending Section 6 and deleting Section 16 of Constitutional Amendment 465 so as to provide that the Port Authority established by the City of Jackson shall only maintain offices within said city, that certain powers shall be granted and enforceable only within the City of Jackson and the police jurisdiction of said city and to remove the prohibition against the subsequent incorporation of another corporation within the county.

The above Bill was read a second time at length as required by the Constitution.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Notice and Proof) (With Amendment):

S. 295. Relating to the City of Scottsboro, Alabama; to prohibit the hunting of ducks, geese and all other waterfowl within the Roseberry Em-bayment.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hammett (With Notice and Proof):

H. 43. Relating to the twenty-second judicial circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary; allowing certain court employees to be present during certain portions of grand jury sessions.

By Rep. Hammett (With Notice and Proof):

H. 45. Relating to the twenty-second judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the



following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Hand (With Notice and Proof):

S. 364. Relating to Mobile County, to amend Section 5 of Act No. 242, S. B. 79, 1876 Regular Session, as amended, which regulates public schools in the county, so as to provide further for the powers and duties of the county board of education.

By Reps. Clark (W) and Buskey (JE):

H. 358. Relating to any Class 5 municipality; providing for a referendum on the question of adoption of a mayor-council form of government with five single-member districts and a mayor to be elected at large; establishing the said forms of government; providing for the establishment of boundaries of five districts; and providing for penalties for violations of certain provisions of this act.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Notice and Proof):

S. 58. Relating to Morgan County; authorizing the county to pay all its employees whose compensation is provided for by local act bi-weekly instead of semi-monthly and to repeal all provisions of all local acts which conflict with this act.

By Senator Dial (With Notice and Proof):

S. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Heflin, in Cleburne County.

By Senator Dial (With Notice and Proof):

S. 354. Relating to Clay County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

By Rep. Headley (With Notice and Proof):

H. 436. Relating to Chilton County; to provide that the probate judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Headley (With Notice and Proof) (With Amendment):

H. 435. Relating to Chilton County; levying an ad valorem tax in the county, not to exceed a certain millage rate pursuant to Constitutional Amendment 373, Constitution of 1901, as amended, and simultaneously rescinding certain existing ad valorem taxes enacted pursuant to Amendments 72 and 125 of the said Constitution, which are designated for public health and indigent care, so as to redesignate certain portions of such revenues for law enforcement, county roads and bridges, as well as public health and disease prevention, and other county purposes; providing a referendum on said ad valorem taxes.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (F) (With Notice and Proof):

H. 376. Relating to Escambia County; providing for a monthly retirement benefit for certain employees in the tax collector's office to be paid from the general fund of the county.

By Rep. Holley (With Notice and Proof):

H. 331. Relating to Coffee County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

By Reps. Campbell, Willis, and Crow (With Notice and Proof):

H. 283. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

By Reps. Hall and Richardson (With Notice and Proof):

H. 232. Relating to Jackson County; to amend Section 2 of Act No. 86-469, H. 248 of the 1986 Regular Session (Acts 1986, p. 853), relating to selling and redeeming lands for taxes, so as to change the term "revenue commission" to "revenue commissioner."

By Reps. Hall and Richardson (With Notice and Proof):

H. 228. Relating to Jackson County; to create a motor vehicle license and title division within the Revenue Commissioner's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses and titles by the Revenue Commissioner's office; to transfer certain duties now performed by the Probate Judge to said Revenue Commissioner.

By Reps. Williams and Flowers (With Notice and Proof):

H. 119. Relating to Dale County; to create a license-issuing division within the tax assessor's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the divisions; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of licenses by the tax assessor's office and to transfer certain duties now performed by the tax collector and probate judge to said office.

By Reps. Williams and Flowers (With Notice and Proof):

H. 118. Relating to Dale County; to require the installation and maintenance of an improved system of recording and indexing documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special index and recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

By Senator Dial (With Notice and Proof):

S. 368. To authorize the establishment of branch banks in Clay County.

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bill has been returned to the end of the Regular Order Calendar, to-wit:

By Senators Smith (J), Bailey, and Bennett:

S. 73. To provide further for the number of students in state funded academic classrooms in the public schools in Alabama.

### RECESS

At 10:40 A.M., on motion of Senator Manley, the Senate took a recess until 12:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dillard:

H. J. R. 189. COMMENDING THE 1986-87 LAWRENCE COUNTY HIGH SCHOOL BAND FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Campbell, the Rules were suspended and the Resolution, H. J. R. 189, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MOTION TO ADJOURN LOST**

At 12:55 P.M., Senator Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 19, 1987, at 2 o'clock P.M., which motion was lost.

Yeas 9; Nays 22.

*Yeas:*

|           |           |         |          |    |
|-----------|-----------|---------|----------|----|
| Senators: | Campbell  | Figures | Langford |    |
| Bedford   | Corbett   | Goodwin | Sanders  |    |
| Bennett   | Covington |         |          | —9 |

*Nays:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Menton    |     |
| Bailey    | Denton        | Hale   | Preuitt   |     |
| Barron    | Dial          | Hand   | Rice      |     |
| Bedsole   | Dixon         | Holmes | Smith (B) |     |
| Bishop    | Drinkard      | Horn   | Smith (J) |     |
| Cabaniss  | Ellis         | Manley |           | —22 |

**RECESS**

At 12:57 P.M., Senator Goodwin then moved that the Senate take a recess until 2:30 this afternoon, which motion was adopted, and the Senate took a recess until 2:30 this afternoon.

The recess period having expired, the Senate was called to order by President Pro Tem deGraffenried. A quorum of the Senate was present.

**INTRODUCTION OF BILLS**

Senator Rice requested and received permission to introduce the following bills out of order, and they were severally read one time and referred to appropriate standing committees, as follows:

By Senators Rice, Smith (J), and Dial:

S. 402. To authorize the State Department of Veterans' Affairs to operate a state veterans' home or homes, to authorize the receipt and use of federal and other funds for such purpose, to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home and to create a veterans' home trust fund.

Committee on Finance and Taxation.

By Senators Rice, Smith (J), and Dial:

S. 403. To provide for the incorporation of the Alabama Veterans' Affairs Finance Authority; to provide for the Authority's members, officers and directors; to empower the Authority to acquire and hold title to real and personal property for use as or in conjunction with nursing home and related facilities for veterans and to sell, convey or lease that property; to

provide for the leasing of facilities owned by the Authority to certain entities; to empower the Authority to sell and issue its notes and bonds in an aggregate principal amount not exceeding \$5,000,000; to empower the Authority to sell and issue refunding bonds, to grant mortgages upon, and security interests in its facilities and to pledge for payment of its notes, bonds and refunding bonds the rents and revenues from such facilities, the proceeds from the sale of such facilities, unexpended note or bond proceeds, insurance proceeds and/or mortgage or security interests in the Authority's facilities; to confer on the Authority the same power of eminent domain as that possessed by the State; to provide for temporary loans in anticipation of the issuance of bonds; to provide for the disposition of proceeds from the sale of bonds or refunding bonds issued by the Authority; to exempt from taxation the income and property of the Authority, all lien notices with respect thereto, the interest on the notes and bonds of the Authority and all purchases and uses of property by the Authority; to provide that venue for any action arising out of this Act shall be in the circuit court of Montgomery County, Alabama; to provide for dissolution of the Authority; to exempt leases of the Authority from the competitive bid law; to exempt the Authority from the Sunset Law; to exempt the Authority from laws respecting usury; to provide that the provisions of this Act are severable; and to provide an effective date.

Committee on Finance and Taxation.

By Senators Rice, Smith (J), and Dial:

S. 404. To provide for a voluntary check-off designation on state income tax returns for the 1987 tax year and each year thereafter for the Alabama Veterans' Nursing Home Program; to provide the form for such designation; to provide for the crediting to the Department of Veterans' Affairs of the total amount designated for nursing home and health care services for aged and disabled veterans in Alabama; and to provide for an effective date.

Committee on Finance and Taxation.

By Senators Rice, Smith (J), and Dial:

S. 405. To amend Section 40-25-23, Code of Alabama 1975, as amended, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, as amended, and to appropriate so much of said portion of such revenues as may be necessary for use in the payment, in certain circumstances, of rental or rentals on certain leases that may be entered into by the Department of Veterans' Affairs with the Alabama Veterans' Affairs Finance Authority.

Committee on Finance and Taxation.

Senator Sanders requested and received permission to introduce the following bills out of order, and they were severally read one time and referred to appropriate standing committees, as follows:

By Senator Sanders:

S. 406. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Sumter County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 407. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 408. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Perry County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 409. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Greene County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 410. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Lowndes County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 411. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Wilcox County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

Senator Amari requested and received permission to introduce the following bill out of order, and it was read one time and referred to the appropriate standing committee, as follows:

By Senator Amari (With Notice and Proof):

S. 412. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of A. Joyce Seale to purchase creditable time in the retirement and relief fund for time served in the civil defense corps and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 412, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Bailey:

S. 413. To amend Section 2-8-135, Code of Alabama 1975, relating to referendums authorizing an assessment of certain producers for the promotion of nuts, bulbs, fruits and vegetables; so as to authorize the holding of intermediary referendums to alter or modify the terms of an existing assessment.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Barron, Amari, Bennett, Langford, Bedsole, Covington, Hand, Preuit, Parsons, Hale, Campbell, Holmes, Denton, Figures, Foshee, and Menton:

S. 414. Relating to the regulation of all contracts of insurance or plans or agreements for health care services, so as to provide that such contracts, plans or agreements shall cover and include payment to or for a licensed professional nurse for services provided.

Committee on Health.

By Senator Ellis:

S. 415. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the said board and to require that each congressional district be represented; to provide for filling vacancies and residential requirements.

Committee on Governmental Affairs.

By Senators Cabaniss and Dixon:

S. 416. To amend Section 17-22-10 of the Code of Alabama 1975, which relates to campaign contributions, so as to provide further for periodic campaign contributions and expenditure reports prior to elections and yearly reports on a quarterly basis of campaign contributions by state officials, members of the Alabama legislature and announced candidates for state offices and the Alabama legislature to be made to the secretary of state.

Committee on Finance and Taxation.

By Senators Smith (B), Hale, Barron, and Smith (J):

S. 417. To amend Section 40-18-14, Code of Alabama 1975, which defines the term "gross income" for state income tax purposes, so as to provide further for said definition.

Committee on Finance and Taxation.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint

Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 26. COMMENDING HUGH AKERS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

Also:

S. J. R. 27. COMMENDING ELTON TOWNSEND ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

S. J. R. 28. COMMENDING YVONNE MCCARLEY RAY OF HAMILTON, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. J. R. 29. NAMING THE CLAY COUNTY LEARNING CENTER IN ASHLAND, ALABAMA, IN HONOR OF EMMA JEAN MCKINNEY AND THE LATE BILL MCKINNEY.

Also:

S. J. R. 30. COMMENDING 1987 MERIT MOTHER OF THE YEAR, BENNIE JONES CANNON NOLAN OF FAYETTE, ALABAMA.

Also:

S. J. R. 31. COMMENDING THE FLOYD JUNIOR HIGH SCHOOL CHEERLEADERS ON THEIR NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 32. COMMENDING FAYETTE COUNTY DEPUTY SHERIFF JOE STOUGH FOR DISTINGUISHED PERFORMANCE OF DUTY.

Also:

S. J. R. 33. COMMENDING ANTHONY P. VOYLES OF MONTGOMERY, ALABAMA, 1987 MARCH OF DIMES NATIONAL AMBASSADOR.

Also:

S. J. R. 34. COMMENDING HUGO STONE FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

Also:

S. J. R. 36. COMMENDING BRADY BACCUS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

Also:

S. J. R. 38. WELCOMING EMILY ELIZABETH AMARI.

JIM SMITH,  
Chairperson.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of



a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 137. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 153. HONORING RALPH WYATT ADAMS OF TROY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RECESS

At 3 o'clock P.M., on motion of Senator Hilliard, the Senate took a recess until 4:15 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 61. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE, That pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence over all other matters until disposed of.

| <u>BILL NO.</u> | <u>DESCRIPTION</u>            | <u>PAGE NO.</u> |
|-----------------|-------------------------------|-----------------|
| H. 432          | Medical Liability Act of 1987 | 42              |

On motion of Senator Smith (J), the Resolution was then adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 432, adopted.

Yeas 30; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Horn      |     |
| Amari     | Campbell      | Ellis    | Langford  |     |
| Bailey    | Corbett       | Figures  | Manley    |     |
| Barron    | Covington     | Foshee   | Preuitt   |     |
| Bedford   | deGraffenried | Hale     | Rice      |     |
| Bedsole   | Denton        | Hand     | Smith (B) |     |
| Bennett   | Dial          | Hilliard | Smith (J) |     |
| Bishop    | Dixon         | Holmes   |           | —30 |

Nays:

—0

**SPECIAL ORDER****BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 432. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the

amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory

agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

Senator Manley offered the following substitute for the Bill, H. B. 432, to-wit:

### **SUBSTITUTE FOR H. B. 432**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the finder of fact shall itemize the damages as past damages, future damages, and punitive damages, and the Circuit Court may at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict includes an award of future damages and to require either that a judgment debtor post security, provide evidence of insurance, or purchase an annuity adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments

for the period of time over which payments shall be made not to exceed fifteen (15) years and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide for interest on payments more than twenty (20) days late and attorney's fees incurred in collecting said payments and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings as determined by the Court shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that in the event a surviving spouse dies or remarries the liability of the judgment debtor shall cease except that payments due to said spouse shall be paid to surviving children under the age of twenty-two (22) to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages, including punitive damages, shall not exceed the sum of four hundred thousand dollars (\$400,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or death whether in contract or in tort against a health care provider based on a breach of the standard of care where medical or hospital expenses are claimed evidence that the plaintiff's medical or hospital expenses have been paid or will be reimbursed is admissible as competent evidence, and to provide that upon admission of evidence respecting reimbursement of said expenses, the plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such expenses and to provide for pre-trial discovery respecting such benefits; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 Code of Alabama, 1975, the amount of

damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00) and to provide for adjustment of the one million dollars (\$1,000,000.00) every twelve (12) months to reflect any increase or decrease in the consumer price index; to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similarly situated health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similarly situated health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Statement of Legislative Intent. It is hereby declared by the Legislature of the State of Alabama that a crisis threatens the delivery of medical services to the people of Alabama and the health and safety of the

citizens of this state are in jeopardy. In accordance with the previous declaration of the Legislature contained in Act 513 of the regular session of the 1975 Alabama Legislature it is the declared intent of this Legislature to insure that quality medical services continue to be available at reasonable costs to the citizens of the State of Alabama. This Legislature finds and declares that the increasing threat of legal actions for alleged medical injury causes and contributes to an increase in health care costs and places a heavy burden upon those who can least afford such increases, and that the threat of such actions contributes to expensive medical procedures to be performed by physicians and other health care providers which otherwise would not be considered necessary, and that the spiraling costs and decreasing availability of essential medical services caused by the threat of such litigation constitutes a danger to the health and safety of the citizens of this state, and that this Act should be given effect immediately to help control the spiraling cost of health care and to insure its continued availability. Additionally, the Legislature finds that the increasing threat of legal actions for alleged medical injury has resulted in a limitation on the number of physicians providing specialized health care in this state. Because of the limited number of insurers offering professional liability coverage and because of the prejudice to the rights of the defendant health care provider through the interjection of evidence of insurance, the Legislature finds that the interest of all citizens will best be served by prohibiting the introduction of evidence that a witness testifying at trial is insured by the same insurer as the defendant health care provider.

Section 2. This Article may be cited and known as "The Alabama Medical Liability Act of 1987" and is intended to supplement "The Alabama Medical Liability Act", Act No. 513 of the 1975 Regular Session of the Alabama Legislature. The provisions of this Act shall be construed so as to be consistent with Act No. 513 of the 1975 Regular Session of the Alabama Legislature and the legislative intent stated herein.

Section 3. Definitions. For the purposes of this Act the following terms shall have the meanings respectively ascribed to them by this section:

1. Health Care Provider. A medical practitioner, dental practitioner, medical institution, physician, dentist, hospital, or other health care provider as those terms are defined in §6-5-481.

2. Standard of Care. The standard of care is that level of such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in like cases. A breach of the standard of care is the failure by a health care provider to comply with the standard of care, which failure proximately causes personal injury or wrongful death. This definition applies to all actions for injuries or damages or wrongful death whether in contract or tort and whether based on intentional or unintentional conduct.

3. Future Damages. Damages for future medical treatment, care or custody, loss of future earnings, future loss of earning capacity, future loss of bodily function, future loss of consortium or future pain and suffering.

4. Periodic Payment. The payment of money or delivery of other property to the judgment creditor at regular intervals.

5. Substantial Evidence. Substantial evidence is that character of admissible evidence which would convince an unprejudiced thinking mind of the truth of the fact to which the evidence is directed.

Section 4.A. In any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the damages assessed by the fact finder shall be itemized as follows:

1. Past damages
2. Future Damages
3. Punitive Damages

The fact finder shall not reduce any future damages to present value. If the trial court determines that any one or more of the above categories is not recoverable in the action, that category or categories shall be omitted from the itemization.

B. Where the damages assessed against a defendant by the fact finder include an award of future damages, the trial Court may, at the request of either party, enter judgment as follows:

(1) Judgment shall be entered against the defendant for all past damages and punitive damages assessed against the defendant by the fact finder.

(2) Judgment may be entered against the defendant for all future damages assessed against the defendant which said damages shall be paid by periodic payments rather than a lump sum over a period not to exceed fifteen (15) years.

C. As a condition to authorizing periodic payments for future damages the Court shall require either proper assurance that the defendant has posted security sufficient to assure full payment of such damages, or provide evidence the defendant has insurance sufficient to pay the periodic payments as the same become due and that the insurance company which is obligated to pay the judgment holds a certificate of authority in this State, or require purchase of an annuity of sufficient value to pay the future damages as structured including the present value of any future damages in the event of modification pursuant to subsection F(3) of section 4 of this Act. Nothing contained herein shall be construed as limiting the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages. The provisions of this section shall also apply to any judgment entered following remittitur.

D. The future damages shall not be reduced to present value by the fact finder, and no interest is to be charged on said damages. No evidence or instruction shall be received by the trier of fact concerning the present value of such future damages except pursuant to this subsection. If the Court does not structure all or part of said damages, the amount awarded for future damages not so structured shall be reduced to present value by the Court before entry of judgment. In determining whether future damages should be structured, the Court may consider the plaintiff's present needs, including litigation expenses and attorney's fees. Any attorney's fees considered by the Court should be based on the present value of the award as determined by the Court and the negotiated contract with plaintiff's attorney. The Court shall employ a rebuttable presumption that future damages should be structured.

E. The judgment ordering payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments and the period of time over which payments shall be made.



F. Where a judgment is structured pursuant to this Section, the following shall apply:

(1) If the judgment creditor dies before the termination of the period of years during which such payments are to be made, the liability of the judgment debtor and every entity or person who has assumed his obligations to pay the judgment creditor shall cease and the estate of the judgment creditor shall have no claim for such payments, except that damages awarded for loss of future earnings as determined by the Court shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to a spouse and/or children to whom the judgment creditor owed a duty of support, as provided by law, immediately before his death.

(2) Such duty of support shall be deemed to cease upon the death or remarriage of a spouse or the death or attainment of age twenty-two (22) years by a child, provided, however, that upon the death of a spouse leaving children to whom the judgment creditor owed a duty of support as set out above, payments due the spouse shall be paid to the children until they attain the age of twenty-two (22) years. The death of a child under twenty-two (22) years of age terminates all payments to him.

(3) In the event the Court finds that the judgment debtor has exhibited a continuing pattern of failure to make payments as specified in this section, the Court shall find the judgment debtor in contempt of Court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including Court costs and reasonable attorney's fees. In addition, where an installment payment is more than twenty (20) days late, there shall be added to the amount due for that installment interest from the date payment was due at the rate of twenty percent (20%) per annum compounded daily, and attorney's fee if necessary to collect the amount due.

G. The Court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with subsection F of this Section. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make future payments shall cease and any security given shall revert to the judgment debtor.

H. In the event periodic payments are ordered under this Section, the Court shall order the judgment marked satisfied when the judgment debtor satisfies the court that he is adequately insured or posts security sufficient to assure full payment of such damages or purchases an annuity of sufficient value as set out in subsection C of Section 4 of this Act.

I. It is the intent of the Legislature in enacting this section to authorize the entry of judgments in malpractice actions against health care providers which provide for the payment of future damages through periodic payments rather than lump sum payments. By authorizing periodic payment of judgments it is the further intent of the Legislature that the Courts will utilize such judgments to provide compensation sufficient to meet the needs of an injured plaintiff and those persons who are dependent upon the plaintiff for whatever period not to exceed fifteen (15) years is deemed necessary by the Court while eliminating the potential windfall from a lump sum recovery which was intended to provide for the care of an injured plaintiff over an extended period who then dies shortly after the judgment is paid, leaving the balance of the judgment award to persons and purposes for which it is

not intended. It is also the intent of the Legislature that all elements of the periodic payment program be specified with certainty in the judgment ordering such payments.

Section 5.A. In any action for injury whether in contract or in tort against a health care provider based on a breach of the standard of care, the injured plaintiff and spouse upon proper proof may be entitled to recover non-economic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damage.

B. In no action shall the amount of recovery for non-economic losses, including punitive damages, either to the injured plaintiff, the plaintiff's spouse or other lawful dependents or any of them together exceed the sum of four hundred thousand dollars (\$400,000.00). Plaintiff shall not seek recovery in any amount greater than the amounts described herein for non-economic losses. During the trial of any action neither the court nor any party shall advise or infer to the jury that it may not return an award for non-economic losses in excess of an amount specified herein; in the event the jury is so advised or such inference is made, the trial court, upon motion of an opposing party, shall immediately declare a mistrial. Any verdict returned which includes an award for non-economic losses in an amount greater than that permitted herein shall be reduced by the trial court to an amount which will include an award of non-economic losses no greater than that permitted herein or to such lesser sums as the trial court deems appropriate in accordance with prevailing standards for reducing excessive verdicts.

Section 6.A. In all actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses have been or will be paid or reimbursed shall be admissible as competent evidence. In such actions upon admission of evidence respecting reimbursement or payment of medical or hospital expenses, the plaintiff shall be entitled to introduce evidence of the cost of obtaining reimbursement or payment of medical or hospital expenses.

B. In such civil actions, information respecting such reimbursement or payment obtained or such reimbursement or payment which may be obtained by the plaintiff for medical or hospital expenses shall be subject to discovery.

C. Upon proof by the plaintiff to the Court that the plaintiff is obligated to repay the medical or hospital expenses which have been or will be paid or reimbursed, evidence relating to such reimbursement or payment shall be admissible.

Section 7. In any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care, the action must be brought in the county wherein the act or omission constituting the alleged breach of the standard of care by the defendant actually occurred. If plaintiff alleges that plaintiff's injuries or plaintiff's decedent's death resulted from acts or omissions which took place in more than one county within the State of Alabama, the action must be brought in the county wherein the plaintiff resided at the time of the act or omission, if the action is one for personal injuries, or wherein the plaintiff's decedent resided at the time of the act or omission if the action is one for wrongful death. If at any time prior to the commencement of the trial of the action it is shown that the plaintiff's injuries or plaintiff's

decendent's death did not result from acts or omissions which took place in more than one county, on motion of any defendant the Court shall transfer the action to such county wherein the alleged acts or omissions actually occurred. For the convenience of parties and witnesses, in the interest of justice, a court may transfer any action to any other county where it might have been brought hereunder and/or may order a separate trial as to any claim or party.

Section 8. In any action commenced pursuant to §6-5-391 or §6-5-410 Code of Alabama, 1975, against a health care provider whether in contract or in tort based on a breach of the standard of care the amount of any judgment entered in favor of the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00). Any verdict returned in any such action which exceeds one million dollars (\$1,000,000.00) shall be reduced to one million dollars (\$1,000,000.00) by the trial court or such lesser sum as the trial court deems appropriate in accordance with prevailing standards for reducing excessive verdicts. During the trial of any action brought pursuant to §6-5-391 or §6-5-410 neither the court nor any party shall advise or infer to the jury that it may not return a verdict in excess of one million dollars (\$1,000,000.00); in the event the jury is so advised or such inference is made the court, upon motion of an opposing party, shall immediately declare a mistrial. The maximum amount payable under this section, one million dollars, (\$1,000,000.00), shall be adjusted on April 15th. of each year to reflect any increase or decrease during the preceding calendar year in the Consumer Price Index of the U.S. Department of Commerce. Said adjustment shall equal the percentage change in the consumer price index during the preceding calendar year.

Section 9.A. In any action for injury or damages or wrongful death, whether in contract or in tort, against a health care provider for breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in a like case.

B. If the health care provider whose breach of the standard of care is claimed to have created the cause of action is not certified by an appropriate American Board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself out as a specialist, a "similarly situated health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and
2. Is trained and experienced in the same discipline or school of practice; and
3. Has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred.

C. If the health care provider whose breach of the standard of care is claimed to have created the cause of action is certified by an appropriate American Board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similarly situated health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and

2. Is trained and experienced in the same specialty; and
3. Is certified by an appropriate American Board in the same specialty; and
4. Has practiced in this specialty during the year preceding the date that the alleged breach of the standard of care occurred.

D. No evidence shall be admitted or received, whether of a substantive nature or for impeachment purposes, concerning the medical liability insurance, or medical liability insurance carrier, or any interest in an insurer that insures medical or other professional liability, of any witness presenting testimony as a "similarly situated health care provider" under the provisions of this section or of any defendant.

E. The purpose of this section is to establish a relative standard of care for health care providers. A health care provider may testify as an expert witness in any action for injury or damages against another health care provider based on a breach of the standard of care only if he is a "similarly situated health care provider" as defined above.

Section 10. In any action for injury or damages or wrongful death, whether in contract or in tort, against a health care provider based on a breach of the standard of care the minimum standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence. In all such actions, whether arising in tort or in contract, the Scintilla Rule of evidence is abolished. In all pleadings or motions filed in such actions testing the sufficiency of the evidence to support an issue of fact, including but not limited to motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and any other such motions or pleadings respecting the sufficiency of the evidence, the standard of proof required shall be proof by substantial evidence.

Section 11. There is hereby created a cause of action for damages for malicious prosecution on the grounds that the party instituting a civil action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care knew or should have known that the same was without adequate legal basis, or false, or unfounded, or without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing such a civil action known to be without legal basis, false or unfounded. In any action for malicious prosecution under this section, the injured party may recover actual damages including litigation costs paid by or on behalf of the injured party or in the alternative liquidated damages of five hundred dollars (\$500.00) plus a reasonable attorney's fee and all other costs of litigation. In an action for malicious prosecution under this section, actual malice need not be an element of the claim nor do special damages need to be proved. The elimination of these requirements in permitting the recovery of actual damages or liquidated damages, a reasonable attorney's fee and other costs of litigation is intended to be in derogation of the common law. The cause of action established by this section is not a compulsory counterclaim in the original civil action upon which it is based for the purposes of Rule 13, Alabama Rules of Civil Procedure.

Section 12. In any action for injury, damages or wrongful death, whether in contract or in tort, against a health care provider for breach of the standard of care the plaintiff shall include in the complaint filed in the

action a detailed specification and factual description of each act and omission alleged by the plaintiff to render the health care provider liable to plaintiff. The plaintiff shall amend his complaint timely upon ascertainment of new or different acts or omissions upon which his claim is based; provided, however, that any such amendment must be made at least ninety (90) days before trial. Plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other act or omission. Any complaint which fails to include such detailed specification and factual description of each act and omission shall be subject to dismissal for failure to state a claim upon which relief can be granted.

Section 13. This Act applies to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action, shall supersede any inconsistent provision of law.

Section 14. The provisions of this Act are severable, and if any part thereof be declared unconstitutional or void by any court of competent jurisdiction, such declaration shall not affect those parts remaining.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Horn      |     |
| Amari     | Campbell      | Ellis    | Langford  |     |
| Bailey    | Corbett       | Figures  | Manley    |     |
| Barron    | Covington     | Foshee   | Parsons   |     |
| Bedford   | deGraffenried | Hale     | Pruitt    |     |
| Bedsole   | Denton        | Hand     | Rice      |     |
| Bennett   | Dial          | Hilliard | Smith (B) |     |
| Bishop    | Dixon         | Holmes   | Smith (J) | —31 |

Nays: —0

And said Bill, H. B. 432, as thus amended by the substitute, was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Ellis    | Langford  |     |
| Amari     | Campbell      | Figures  | Manley    |     |
| Bailey    | Covington     | Foshee   | Pruitt    |     |
| Barron    | deGraffenried | Hale     | Rice      |     |
| Bedford   | Denton        | Hand     | Sanders   |     |
| Bedsole   | Dial          | Hilliard | Smith (B) |     |
| Bennett   | Dixon         | Holmes   | Smith (J) |     |
| Bishop    | Drinkard      | Horn     |           | —30 |

Nays:

Senators: Corbett Parsons —2

**BUDGET ISOLATION RESOLUTION**

Senator Manley, B. I. R., H. B. 27, adopted.

Yeas 26; Nays 2.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Langford  |
| Amari     | Covington     | Foshee   | Manley    |
| Bailey    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Smith (B) |
| Bishop    | Dixon         | Holmes   | Smith (J) |
| Cabaniss  | Drinkard      | Horn     |           |

—26

Nays:

Senators: Corbett Parsons —2

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 27. Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, liability for punitive damages as defined within this Act must be proved by the overwhelming weight of the clear and convincing evidence and the amount of such damages shall not exceed the amount of any damages assessed against the defendant other than punitive damages or \$100,000, whichever is less; to provide that, in tort cases arising out of a contract, punitive damages shall only be awarded when the plaintiff is entitled to recover on the contract claim as a matter of law; to provide that this Act does not create a cause of action or right to recover punitive damages; to provide for definitions of certain terms used in this Act; to provide that a principal shall not be liable for punitive damages based on the acts or omissions of an agent unless the principal had advance knowledge of unfitness of the agent and employed him with conscious disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill become law.

was taken up.

Senator deGraffenried offered the following substitute for the Bill, H. B. 27, to-wit:

**SUBSTITUTE FOR H. B. 27**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil

actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, liability for punitive damages as defined within this act must be proved by clear and convincing evidence; to provide that this act does not create a cause of action for or right to recover punitive damages; to provide for definitions of certain terms used in this act; to provide that the amount of such punitive damages shall not exceed \$250,000.00, unless it is based on a pattern or practice of intentional wrongful conduct or conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice or an action for libel, slander or defamation; to provide that an award of punitive damages shall not be entitled to a presumption of correctness and in all cases wherein a verdict for punitive damages is rendered, the court shall, on its own motion or the motion of a party, conduct an evidentiary hearing and independently reassess the nature, extent and economic impact of such award and reduce or increase the award if appropriate; to provide that on appeal there shall be no presumption of correctness in regard to an award of punitive damages; to provide that this act does not limit the ability of a trial or appellate court to set aside or reverse an award of punitive damages, or to order a new trial; to provide that punitive damages may not be awarded against the state of Alabama or any county or municipality thereof, or any agency thereof, except any entity covered under the Medical Liability Act now codified as Section 6-5-480 et seq., Code of Alabama 1975, or any acts amendatory thereto; to provide that a principal shall not be liable for punitive damages for intentional wrongful conduct or conduct involving actual malice based on the acts or omissions of an agent unless the principal knew or should have known of the unfitness of the agent and employed him or continued to employ him, or used his services without proper instruction with disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; or unless the acts of the agent, servant or employee were calculated to or did benefit the principal, employer or other master, except where the plaintiff knowingly participated with the agent, servant or employee to commit wrongful conduct with full knowledge of the import of his act; to provide that argument or mention, in the presence of the jury, of the classifications or limitations established in this act is not permissible and shall be ground for a mistrial; to provide that this act shall not apply to actions for wrongful death pursuant to Section 6-5-391 and Section 6-5-410, Code of Alabama 1975; to provide for certain exceptions; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) Punitive damages may not be awarded in any civil action, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, other than in a tort action where it is proven by clear and convincing evidence that the defendant consciously or deliberately engaged in oppression, fraud, wantonness, or malice with regard to the plaintiff. Nothing contained in this act is to be construed as creating any claim for punitive damages which is not now present under the law of the State of Alabama.

(b) As used in this act, the following definitions shall apply:

(1) "Fraud" shall mean an intentional misrepresentation, deceit, or concealment of a material fact the concealing party had a duty to disclose, which was gross, oppressive or malicious and committed with the intention on the part of the defendant of thereby depriving a person or entity of property or legal rights or otherwise causing injury.

(2) "Malice" is defined as the intentional doing of a wrongful act without just cause or excuse, either:

a. With an intent to injure the person or property of another person or entity, or

b. Under such circumstances that the law will imply an evil intent.

(3) "Wantonness" shall mean conduct which is carried on with a reckless or conscious disregard of the rights or safety of others.

(4) "Clear and convincing evidence" shall mean evidence that, when weighed against evidence in opposition, will produce in the mind of the trier of fact a firm conviction as to each essential element of the claim a high probability as to the correctness of the conclusion. Proof by clear and convincing evidence requires a level of proof greater than a preponderance of the evidence or the substantial weight of the evidence, but less than beyond a reasonable doubt.

(5) "Oppression" shall mean subjecting a person to cruel and unjust hardship in conscious disregard of that person's rights.

Section 2. An award of punitive damages shall not exceed \$250,000.00, unless it is based upon one or more of the following:

(i) A pattern or practice of intentional wrongful conduct, even though the damage or injury was inflicted only on the plaintiff; or,

(ii) Conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice; or,

(iii) Libel, slander or defamation.

Section 3. Argument or mention, in the presence of the jury, of the classifications or limitations established in Section 2 above is not permissible and shall be ground for a mistrial.

Section 4. No presumption of correctness shall apply as to the amount of punitive damages awarded by the trier of the fact. In all cases wherein a verdict for punitive damages is awarded, the trial court shall, either on its own motion or upon the motion of any party, conduct hearings or receive additional evidence concerning the amount of punitive damages. Any relevant evidence, including but not limited to the economic impact of the verdict on the defendant or the plaintiff, the amount of compensatory damages awarded, whether or not the defendant has been guilty of the same or similar acts in the past, the nature and the extent of any effort the defendant made to remedy the wrong and the opportunity or lack of opportunity the plaintiff gave the defendant to remedy the wrong complained of shall be admissible; however, such information shall not be subject to discovery, unless otherwise discoverable, until after a verdict for punitive damages has been rendered. After such post verdict hearing the trial court shall independently (without any presumption that the award of punitive damages is correct) reassess the nature, extent and economic impact of such an award of punitive damages, and reduce or increase the award if appropriate in light of all the evidence.

Section 5. On appeal, no presumption of correctness shall apply to the amount of punitive damages awarded. The appellate court shall independently reassess the nature, extent and economic impact of such an award and reduce or increase the award if appropriate in light of all the evidence.



Section 6. Nothing in this act is intended to limit the ability of a trial or appellate court to set aside or reverse an award of punitive damages, or to order a new trial.

Section 7. Punitive damages may not be awarded against the State of Alabama or any county or municipality thereof, or any agency thereof, except any entity covered under the Medical Liability Act now codified as Section 6-5-480 et seq., Code of Alabama 1975, or any acts amendatory thereto.

Section 8. (a) A principal, employer or other master shall not be liable for punitive damages for intentional wrongful conduct or conduct involving malice based upon acts or omissions of an agent, employee or servant of said principal, employer or master unless the principal, employer or master either: (i) knew or should have known of the unfitness of the agent, employee or servant, and employed him or continued to employ him, or used his services without proper instruction with a disregard of the rights or safety of others; or (ii) authorized the wrongful conduct; or (iii) ratified the wrongful conduct; or unless the acts of the agent, servant or employee were calculated to or did benefit the principal, employer or other master, except where the plaintiff knowingly participated with the agent, servant or employee to commit fraud or wrongful conduct with full knowledge of the import of his act.

(b) Nothing contained in this Section 8 shall be construed to prevent recovery of punitive damages against a retail vendor of alcoholic beverages arising out of the acts of its agents, servants or employees acting within the line and scope of their employment.

Section 9. Nothing contained in this act shall be construed to grant or create a cause of action or right to recover punitive damages.

Section 10. This act shall not pertain to or affect any civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, as amended.

Section 11. If any section, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself invalid or unconstitutional.

Section 12. This act shall not affect the rights of any person if such rights accrued prior to the effective date of this act.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Langford  |
| Bailey    | Covington     | Ellis    | Manley    |
| Barron    | deGraffenried | Foshee   | Preuitt   |
| Bedford   | Denton        | Hale     | Rice      |
| Bedsole   | Dial          | Holmes   | Smith (B) |
| Bennett   | Dixon         | Horn     | Smith (J) |
| Bishop    |               |          |           |

—24

Nay: Senator Corbett

—1

Senator Corbett offered the following amendment to the Bill, H. B. 27, as thus amended by the substitute, to-wit:

### AMENDMENT TO H. B. 27, AS AMENDED

Amend House Bill No. 27 by deleting Section 11 in its entirety and inserting in lieu thereof the following:

Section 11. If any section, clause, provision or portion of this act shall be held invalid or unconstitutional by any court then the entire provisions of this act shall be null and void.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 25; Nays 3.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Horn      |     |
| Bailey    | Campbell      | Ellis    | Manley    |     |
| Barron    | Covington     | Foshee   | Pruitt    |     |
| Bedford   | deGraffenried | Hale     | Rice      |     |
| Bedsole   | Denton        | Hand     | Smith (B) |     |
| Bennett   | Dial          | Holmes   | Smith (J) |     |
| Bishop    | Dixon         |          |           | —25 |

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Figures | Sanders | —3 |
|-----------|---------|---------|---------|----|

And said Bill, H. B. 27, as amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 3.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Horn      |     |
| Amari     | Campbell      | Ellis    | Langford  |     |
| Bailey    | Covington     | Figures  | Manley    |     |
| Barron    | deGraffenried | Foshee   | Pruitt    |     |
| Bedford   | Denton        | Hale     | Rice      |     |
| Bedsole   | Dial          | Hand     | Smith (B) |     |
| Bennett   | Dixon         | Holmes   | Smith (J) |     |
| Bishop    |               |          |           | —28 |

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Parsons | Sanders | —3 |
|-----------|---------|---------|---------|----|

### BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 28, adopted.

Yeas 26; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Dixon    | Horn      |     |
| Amari     | Cabaniss      | Drinkard | Manley    |     |
| Bailey    | Campbell      | Ellis    | Pruitt    |     |
| Barron    | Covington     | Foshee   | Rice      |     |
| Bedford   | deGraffenried | Hale     | Smith (B) |     |
| Bedsole   | Denton        | Hand     | Smith (J) |     |
| Bennett   | Dial          | Holmes   |           | —26 |

*Nay:* Senator Langford

—1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 28. Relating to the admissibility of certain evidence in civil actions for personal injury or property damage; to provide that in all civil actions for personal injury or property damage, evidence relating to reimbursement or payment of plaintiff's damages allegedly incurred as a result of the acts or omissions complained of shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that the plaintiff's obligation to repay the reimbursor shall be admissible; to provide that in all such civil actions evidence of the tax implications to the plaintiff of any damage award shall be admissible; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and, to provide for an effective date of this Act.

was taken up.

Senator Manley offered the following substitute for the Bill, H. B. 28, to-wit:

**SUBSTITUTE FOR H. B. 28**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to the admissibility of certain evidence in civil actions for personal injury or death; to provide that in all civil actions for personal injury or death, where damages for any medical or hospital expenses are claimed and are legally recoverable, evidence relating to reimbursement or payment of plaintiff's medical or hospital expenses allegedly incurred as a result of the acts or omissions complained of as well as the cost to the plaintiff of obtaining reimbursement or payment of medical or hospital expenses shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that evidence of the plaintiff's obligation to repay the medical or hospital expenses shall be admissible where the plaintiff is obligated to repay the reimbursor; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and, to provide for an effective date of this Act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. In all actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses have been or will be paid or reimbursed shall be admissible as competent evidence. In such actions upon admission of evidence respecting reimbursement or payment of medical or hospital expenses, the plaintiff shall be entitled to introduce evidence of the cost of obtaining reimbursement or payment of medical or hospital expenses.

Section 2. In such civil actions, information respecting such reimbursement or payment obtained or such reimbursement or payment which may

be obtained by the plaintiff for medical or hospital expenses shall be subject to discovery.

Section 3. Upon proof by the plaintiff to the Court that the plaintiff is obligated to repay the medical or hospital expenses which have been or will be paid or reimbursed, evidence relating to such reimbursement or payment shall be admissible.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this Act shall not apply to actions now pending in the courts of this State.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 28; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Langford  |
| Amari     | Campbell      | Ellis    | Manley    |
| Bailey    | Covington     | Figures  | Preuitt   |
| Barron    | deGraffenried | Foshee   | Rice      |
| Bedford   | Denton        | Hand     | Sanders   |
| Bedsole   | Dial          | Holmes   | Smith (B) |
| Bennett   | Dixon         | Horn     | Smith (J) |
| Bishop    |               |          |           |

—28

Nay: Senator Corbett

—1

Senator Corbett offered the following amendment No. 1 to the Bill, H. B. 28, as thus amended by the substitute, to-wit:

#### AMENDMENT NO. 1 TO H. B. 28, AS AMENDED

Amend House Bill No. 28 Page 2 Line 18, by inserting after the word admissible the following language as a new Section 4 and renumber subsequent Sections accordingly.

Section 4. Notwithstanding any provision of this act to the contrary, the jury is hereby required to award to the plaintiff an amount equal to the amount the plaintiff has paid in order to receive the collateral source payment.

On motion of Senator Manley, said amendment was laid on the table.

Senator Corbett then offered the following amendment No. 2 to the Bill, H. B. 28, as amended by the substitute, to-wit:

#### AMENDMENT NO. 2 TO H. B. 28, AS AMENDED

On page 1, line 9, before the period, insert the following language:  
and evidence of the amount of the defendant's insurance.

REGULAR SESSION  
9th Day

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On page 2, after line 18, insert the following language as a new Section 4 and renumber subsequent sections accordingly:

Section 4. In any civil action, evidence of the amount of insurance of the defendant is admissible as competent evidence and subject to discovery.

On motion of Senator Manley, said amendment was laid on the table.

Yeas 21; Nays 7.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Manley    |
| Amari     | Covington     | Foshee   | Preuitt   |
| Bailey    | deGraffenried | Hale     | Rice      |
| Barron    | Denton        | Hand     | Smith (B) |
| Bedsole   | Dial          | Horn     | Smith (J) |
| Bishop    | Dixon         |          |           |

—21

*Nays:*

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Bennett | Figures  | Parsons |
| Bedford   | Corbett | Langford | Sanders |

—7

And said Bill, H. B. 28, as amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 4.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Holmes    |
| Amari     | Campbell      | Ellis    | Horn      |
| Bailey    | Covington     | Figures  | Manley    |
| Barron    | deGraffenried | Foshee   | Preuitt   |
| Bedford   | Denton        | Hale     | Rice      |
| Bedsole   | Dial          | Hand     | Smith (B) |
| Bennett   | Dixon         | Hilliard | Smith (J) |
| Bishop    |               |          |           |

—28

*Nays:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Langford | Parsons | Sanders |
| Corbett   |          |         |         |

—4

**BUDGET ISOLATION RESOLUTION**

Senator Manley, B. I. R., H. B. 82, adopted.

Yeas 29; Nays 2.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Ellis    | Horn      |
| Amari     | Campbell      | Figures  | Langford  |
| Bailey    | Covington     | Foshee   | Manley    |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Smith (B) |
| Bennett   | Dixon         | Holmes   | Smith (J) |
| Bishop    | Drinkard      |          |           |

—29

*Nays:*

Senators: Corbett Parsons

—2

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 82. Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court must also enter judgment against the obligors in the amount of the alternate value of the property as fixed by the trial court below and the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

was read a third time at length and passed.

Yeas 27; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Dixon    | Horn      |     |
| Amari     | Campbell      | Drinkard | Langford  |     |
| Bailey    | Corbett       | Ellis    | Manley    |     |
| Barron    | Covington     | Hale     | Preuitt   |     |
| Bedford   | deGraffenried | Hand     | Rice      |     |
| Bedsole   | Denton        | Hilliard | Smith (B) |     |
| Bennett   | Dial          | Holmes   | Smith (J) | —27 |

*Nay:* Senator Parsons

—1

**BUDGET ISOLATION RESOLUTION**

Senator Manley, B. I. R., H. B. 24, adopted.

Yeas 28; Nays 2.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Langford  |     |
| Amari     | Campbell      | Ellis    | Manley    |     |
| Bailey    | Covington     | Foshee   | Preuitt   |     |
| Barron    | deGraffenried | Hand     | Rice      |     |
| Bedford   | Denton        | Hilliard | Sanders   |     |
| Bedsole   | Dial          | Holmes   | Smith (B) |     |
| Bennett   | Dixon         | Horn     | Smith (J) |     |
| Bishop    |               |          |           | —28 |

Nays:

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Parsons | —2 |
|-----------|---------|---------|----|

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 24. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and amending the said Section 232 so as to delete the present provision in said Section 232 regarding suits against foreign corporations and providing that any foreign corporation, whether or not such foreign corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation.

was read a third time at length as required by the Constitution and passed.

Yeas 30; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Manley    |
| Amari     | Campbell      | Ellis    | Parsons   |
| Bailey    | Corbett       | Foshee   | Preuitt   |
| Barron    | Covington     | Hale     | Rice      |
| Bedford   | deGraffenried | Hand     | Sanders   |
| Bedsole   | Denton        | Hilliard | Smith (B) |
| Bennett   | Dial          | Holmes   | Smith (J) |
| Bishop    | Dixon         | Horn     | —30       |

Nays: —0

**BUDGET ISOLATION RESOLUTION**

Senator Manley, B. I. R., H. B. 25, adopted.

Yeas 27; Nays 2.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Bishop        | Drinkard | Horn      |
| Amari     | Cabaniss      | Ellis    | Manley    |
| Bailey    | Campbell      | Foshee   | Preuitt   |
| Barron    | deGraffenried | Hale     | Rice      |
| Bedford   | Denton        | Hand     | Sanders   |
| Bedsole   | Dial          | Hilliard | Smith (B) |
| Bennett   | Dixon         | Holmes   | Smith (J) |
|           |               |          | —27       |

Nays:

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Parsons | —2 |
|-----------|---------|---------|----|

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 25. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer

a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 25, to-wit:

#### **AMENDMENT TO H. B. 25**

Amend H. B. 25, page 2, line 8, after the period, by inserting the following sentence:

"Provided, however, this act shall not apply to cases subject to Section 30-3-5 of the Code of Alabama 1975."

On motion of Senator Manley, said amendment was laid on the table.

Senator Manley then offered the following substitute for the Bill, H. B. 25, to-wit:

#### **SUBSTITUTE FOR H. B. 25**

##### **A BILL TO BE ENTITLED AN ACT**

To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a change or transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

#### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

##### **Section 1. Change or Transfer of Venue.**

(a) With respect to civil actions filed in an appropriate venue, any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer any civil action or any claim in any civil action to any court of general jurisdiction in which the action might have been properly filed and the case shall proceed as though originally filed therein. Provided, however, this act shall not apply to cases subject to Section 30-3-5 of the Code of Alabama 1975.



(b) The right of a party to move for a change or transfer of venue pursuant to this statute is cumulative and in addition to the rights of a party to move for a change or transfer of venue pursuant to Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule.

Section 2. All other laws, or parts of laws, which are in any manner inconsistent with this Act are repealed to the extent that they are inconsistent with this Act.

Section 3. If any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 4. This Act shall not apply to any civil action pending on the effective date of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Horn      |     |
| Amari     | Campbell      | Ellis    | Manley    |     |
| Bailey    | Corbett       | Figures  | Parsons   |     |
| Barron    | Covington     | Foshee   | Preuitt   |     |
| Bedford   | deGraffenried | Hale     | Rice      |     |
| Bedsole   | Denton        | Hand     | Sanders   |     |
| Bennett   | Dial          | Hilliard | Smith (B) |     |
| Bishop    | Dixon         | Holmes   | Smith (J) | —31 |

*Nays:* —0

And said Bill, H. B. 25, as thus amended by the substitute, was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Horn      |     |
| Amari     | Campbell      | Ellis    | Manley    |     |
| Bailey    | Corbett       | Figures  | Preuitt   |     |
| Barron    | Covington     | Foshee   | Rice      |     |
| Bedford   | deGraffenried | Hale     | Sanders   |     |
| Bedsole   | Denton        | Hand     | Smith (B) |     |
| Bennett   | Dial          | Hilliard | Smith (J) |     |
| Bishop    | Dixon         | Holmes   |           | —30 |

*Nays:* —0

## BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 26, adopted.

Yeas 29; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Ellis    | Horn      |
| Amari     | Campbell      | Figures  | Langford  |
| Bailey    | Covington     | Foshee   | Manley    |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Smith (B) |
| Bennett   | Dixon         | Holmes   | Smith (J) |
| Bishop    | Drinkard      |          |           |

—29

Nay: Senator Corbett

—1

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 26. To amend Code of Alabama 1975, as amended, §6-5-430, relating to the enforcement of claims originating outside this state to include claims under the common law and statutes of the United States; to provide for the application of the doctrine forum non conveniens; and to provide for dismissal of any such action where a more appropriate forum exists outside this state; and to provide for the conditioning of such dismissal on certain consents by the defendant.

was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Horn      |
| Amari     | Campbell      | Ellis    | Manley    |
| Bailey    | Corbett       | Figures  | Preuitt   |
| Barron    | Covington     | Foshee   | Rice      |
| Bedford   | deGraffenried | Hale     | Sanders   |
| Bedsole   | Denton        | Hand     | Smith (B) |
| Bennett   | Dial          | Hilliard | Smith (J) |
| Bishop    | Dixon         | Holmes   |           |

—30

Nays:

—0

**BUDGET ISOLATION RESOLUTION**

Senator Manley, B. I. R., H. B. 81, adopted.

Yeas 27; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Bishop        | Drinkard | Horn      |
| Amari     | Cabaniss      | Figures  | Manley    |
| Bailey    | Campbell      | Foshee   | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Smith (B) |
| Bennett   | Dixon         | Holmes   | Smith (J) |

—27

Nay: Senator Corbett

—1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 81. Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and future damages assessed against that defendant, but that, upon motion of the defendant, the judgment for future damages must be structured over a period not to exceed 15 years so long as the court receives adequate assurance that the defendant can and will make all required payments and so long as the court does not determine that the structure would be manifestly unjust under the circumstances of the case; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or effects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

was taken up.

Senator Manley offered the following substitute for the Bill, H. B. 81, to-wit:

**SUBSTITUTE FOR H. B. 81**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment may be entered against the defendant for all past damages and punitive damages assessed against that defendant, but that, upon motion of either party, the judgment for all or part of future damages may be structured over a period not to exceed 15 years so long as the court receives adequate assurance that the defendant can and will make all required payments and so long as the court does not determine that the structure would be manifestly unjust under the circumstances of the case; to provide that a court may consider certain factors in determining whether to structure future damages,

to provide a rebuttable presumption that future damages should be structured; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that no certificate of judgment shall issue or be recorded with respect to an award of future damages which is structured; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or affects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. In any civil action based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, the damages assessed by the fact finder shall be itemized as follows:

1. Past damages
2. Future damages
3. Punitive damages

The fact finder shall not reduce any future damages to present value. Where the court determines that any one or more of the above categories is not recoverable in the action, those categories shall be omitted from the itemization.

Section 2. For purposes of this section, the following definitions shall apply:

(a) **PAST DAMAGES**—damages and losses suffered or incurred prior to the date of judgment

(b) **FUTURE DAMAGES**—damages and losses reasonably anticipated to be suffered or incurred following the date of judgment.

As used herein, the terms "PLAINTIFF" and "DEFENDANT" shall include the singular and the plural.

Section 3. Where the damages assessed against a defendant by the fact finder include recovery for future damages, the court may enter judgment in favor of the plaintiff as follows:

(a) For all past damages and punitive damages assessed against the defendant by the fact finder.

(b) For future damages, which, upon motion of either party within 10 days of the verdict may provide that all or part of said future damages be paid through periodic payments of those damages over a period not to exceed 15 years, if

(1) The court receives adequate assurance that the defendant can and will make all payments. Such assurance shall include the requirement that

the defendant post adequate bond, give evidence that there exists an insurance company, registered in this state, which is obligated to pay the judgment, or purchase an annuity of sufficient value to pay the future damages as structured, or any accelerated payments of those damages which might be required by this act.

(2) The court does not determine that to structure future damages would be manifestly unjust under the circumstances of the case.

The structured damages shall not be reduced to present value by the fact finder, and no interest is to be charged. Evidence of the present value of future damage is inadmissible in cases covered by this act, except at a hearing authorized by Section 5, herein. If all or part of these damages are not structured by the court, the damages not structured should be reduced to present value by the court prior to entry of judgment. In determining whether future damages should be structured, the court should consider the plaintiff's present needs, including litigation expenses and attorney's fees. If, as part of the plaintiff's contract with his attorney, the plaintiff is obligated to pay his attorney a fee based on that portion of the award which is structured, the court shall exclude from the structure and shall award as a lump sum an amount sufficient to pay that fee, based on the present value of the structured damages and the contract between the plaintiff and his attorney. In determining whether future damages should be structured, the court shall employ a rebuttable presumption that future damages should be structured.

Section 4. Where a judgment is structured pursuant to Section 3(b), above, the following shall apply:

(a) Should the judgment creditor die before the final installment is paid, the remaining payments shall be made to the estate of the decedent, or as otherwise directed by the court having jurisdiction over the estate.

(b) Where an installment payment is more than 15 days late, there shall be added to the amount due for that installment interest from the date payment was due at the rate of 20 percent per annum, compounded daily, and attorney's fee if necessary to collect the amount due.

(c) Upon motion of the judgment creditor, or his estate in the event of his death, the structure may be terminated and all unpaid installments declared immediately due if the court finds that the judgment debtor has exhibited a continuing pattern of failing to pay installments when due or that there is a reasonable likelihood that future payments may not be timely made. In all such cases, the court may further assess the debtor with costs and the creditor's attorney's fees relating to all proceedings conducted pursuant to this paragraph.

(d) No certificate of judgment shall issue or be recorded against any defendant for that portion of an award of future damages which is structured.

Section 5. The court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required in Section 3(b) and Section 4, above.

Section 6. Nothing in this act shall be construed to alter or affect the nature, elements, form, or amount of damages recoverable in any action.

Section 7. If any section, clause, provision, or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction,

such holdings shall not affect any other section, clause, or provision of this act which is not in or of itself invalid or unconstitutional.

Section 8. This act shall not affect the rights of any person if such rights accrued prior to the effective date of this act.

Section 9. All laws or parts of laws which conflict with any provision of this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Cabaniss | Figures  | Manley    |     |
| Amari     | Campbell | Foshee   | Parsons   |     |
| Bailey    | Denton   | Hale     | Preuitt   |     |
| Bedford   | Dial     | Hilliard | Rice      |     |
| Bedsole   | Dixon    | Holmes   | Sanders   |     |
| Bennett   | Drinkard | Horn     | Smith (B) |     |
| Bishop    | Ellis    | Langford | Smith (J) | —27 |

*Nays:*

—0

And said Bill, H. B. 81, as thus amended by the substitute, was read a third time at length and passed.

Yeas 29; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Holmes    |     |
| Amari     | Campbell      | Ellis    | Horn      |     |
| Bailey    | Corbett       | Figures  | Manley    |     |
| Barron    | Covington     | Foshee   | Parsons   |     |
| Bedford   | deGraffenried | Hale     | Rice      |     |
| Bedsole   | Denton        | Hand     | Smith (B) |     |
| Bennett   | Dial          | Hilliard | Smith (J) |     |
| Bishop    | Dixon         |          |           | —29 |

*Nay:* Senator Langford

—1

### BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., H. B. 29, adopted.

Yeas 26; Nays 2.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Drinkard | Langford  |     |
| Amari     | Cabaniss      | Figures  | Manley    |     |
| Bailey    | Campbell      | Foshee   | Preuitt   |     |
| Barron    | deGraffenried | Hale     | Rice      |     |
| Bedford   | Denton        | Hand     | Sanders   |     |
| Bedsole   | Dial          | Hilliard | Smith (J) |     |
| Bennett   | Dixon         | Holmes   |           | —26 |

Nays:

Senators: Corbett Parsons

—2

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and to provide the manner in which this bill becomes law.

was taken up.

Senators Barron and Bedford offered the following substitute for the Bill, H. B. 29, to-wit:

**SUBSTITUTE FOR H. B. 29**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. In all civil actions brought in any court of the State of Alabama, proof by substantial evidence shall be required to submit an issue of fact to the trier of the facts. Proof by substantial evidence shall be required for purposes of testing the sufficiency of the evidence to support an issue of fact in rulings by the Court, including without limitation, motions for

summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings respecting the sufficiency of evidence.

Section 2. The scintilla rule of evidence is hereby abolished in all civil actions in the courts of the State of Alabama.

Section 3. With respect to any issue of fact for which a higher standard of proof is required, whether by statute, or by rule or decision of the courts of the State, substantial evidence shall not be sufficient to carry the burden of proof, and such higher standard of proof shall be required with respect to such issue of fact.

Section 4. SUBSTANTIAL EVIDENCE shall mean such quality and weight that reasonable and fair-minded persons in the exercise of impartial judgment might reach different conclusions as to the existence of the fact sought to be proven. A scintilla of evidence is insufficient to permit submission of an issue of fact to the trier of facts.

Section 5. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 6. The provisions of this Act shall not apply to all actions now pending in the courts of this State.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Figures  | Manley    |
| Amari     | Campbell      | Foshee   | Parsons   |
| Bailey    | Corbett       | Hale     | Preuitt   |
| Barron    | deGraffenried | Hand     | Rice      |
| Bedford   | Denton        | Hilliard | Sanders   |
| Bedsole   | Dial          | Holmes   | Smith (B) |
| Bennett   | Drinkard      | Langford | Smith (J) |
| Bishop    | Ellis         |          |           |

—29

Nays:

—0

Senator Corbett offered the following amendment to the Bill, H. B. 29, as amended by the substitute, to-wit:

#### AMENDMENT TO H. B. 29, AS AMENDED

Amend House Bill No. 29 Page 1 Line 9, 16, 19, 25, 26, 36 by striking out "substantial" and inserting in lieu thereof:

preponderance of

On page 2, lines 3 and 14, delete the word "substantial" and insert in lieu thereof:

preponderance of



On page 2, lines 18 through 23, delete Section 4 in its entirety and renumber subsequent sections accordingly.

On motion of Senator Barron, said amendment was laid on the table.

And said Bill, H. B. 29, as amended by the substitute, was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Horn      |
| Amari     | Corbett       | Figures  | Parsons   |
| Bailey    | Covington     | Foshee   | Preuitt   |
| Barron    | deGraffenried | Hale     | Rice      |
| Bedsole   | Denton        | Hand     | Sanders   |
| Bishop    | Dial          | Hilliard | Smith (B) |
| Cabaniss  | Drinkard      | Holmes   | Smith (J) |

—27

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator, Dial, B. I. R., H. B. 30, adopted.

Yeas 27; Nays 2.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Figures  | Langford  |
| Amari     | deGraffenried | Foshee   | Manley    |
| Bailey    | Denton        | Hale     | Preuitt   |
| Barron    | Dial          | Hand     | Rice      |
| Bedsole   | Dixon         | Hilliard | Sanders   |
| Cabaniss  | Drinkard      | Holmes   | Smith (B) |
| Campbell  | Ellis         | Horn     | Smith (J) |

—27

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Parsons | —2 |
|-----------|---------|---------|----|

### BILLS ON THIRD READING RESUMED

THE BILL:

H. 30. To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits or claims filed after its effective date and also to suits or claims filed prior to its effective date and which are not dismissed within 60 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

was taken up.

Senator Dial offered the following substitute for the Bill, H. B. 30, to-wit:

### **SUBSTITUTE FOR H. B. 30**

#### **A BILL TO BE ENTITLED AN ACT**

To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits, claims, defenses or appeals filed after its effective date and also to suits, claims, defenses or appeals filed prior to its effective date and which are not dismissed within 180 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

#### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

**SECTION 1.** This Act may be cited as the Alabama Litigation Accountability Act.

**SECTION 2.** The following words and phrases as used in this Act, have the meaning ascribed to them in this section, unless the context clearly requires otherwise:

(1) **WITHOUT SUBSTANTIAL JUSTIFICATION.** The phrase "without substantial justification", when used with reference to any action, claim, defense or appeal, including without limitation any motion, means that such action, claim, defense or appeal (including any motion) is frivolous, groundless in fact or in law, or vexatious, or interposed for any improper purpose, including without limitation, to cause unnecessary delay or needless increase in the cost of litigation, as determined by the Court.

(2) **PERSON.** Any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity or unincorporated association of persons.

(3) **ACTION.** Any suit, counterclaim, crossclaim or third party claim filed at law or in equity, including any claim therein asserted by one or more parties or against one or more parties in a multi-party action or suit, or an appeal thereof.

(4) **DEFENSE.** Any affirmative defense under Rule 8(C), Alabama Rules of Civil Procedure, filed in any action at law or in equity.

**SECTION 3. (A)** Except as otherwise provided in this Act, in any civil action commenced or appealed in any court of record in this state, the court shall award, as part of its judgment and in addition to any other costs otherwise assessed, reasonable attorneys' fees and costs against any attorney or party, or both, who has brought a civil action, or asserted a claim therein, or interposed a defense, that a court determines to be without substantial justification, either in whole or part;

(B) When a court determines reasonable attorneys' fees or costs should be assessed it shall assess the payment thereof against the offending attorneys or parties, or both, and in its discretion may allocate among them, as it determines most just, and may assess the full amount or any portion thereof to any offending attorney or party;

(C) The court shall assess attorneys' fees and costs against any party or attorney if the court, upon the motion of any party or on its own motion, finds that an attorney or party brought an action or any part thereof, or asserted any claim or defense therein, that is without substantial justification, or that the action or any part thereof, or any claim or defense therein, was interposed for delay or harassment, or if its finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct including but not limited to abuses of discovery procedures available under the Alabama rules of civil procedure;

(D) No attorneys' fees or costs shall be assessed if a voluntary dismissal is filed as to any action, claim or defense within 90 days after filing, or during any reasonable extension granted by the court, for good cause shown, on motion filed prior to the expiration of said 90 day period;

(E) No party, except an attorney licensed to practice law in this state, who is appearing without an attorney shall be assessed attorneys' fees unless the court finds that the party clearly knew or reasonably should have known that his action, claim or defense or any part thereof was without substantial justification.

**SECTION 4.** In determining the amount of an award of costs or attorneys' fees, the court shall exercise its sound discretion. When granting an award of costs and attorneys' fees, the court shall specifically set forth the reasons for such award and shall consider the following factors, among others, in determining whether to assess attorneys' fees and costs and the amount to be assessed: (a) the extent to which any effort was made to determine the validity of any action, claim or defense before it was asserted; (b) the extent of any effort made after the commencement of an action to reduce the number of claims being asserted or to dismiss claims that have been found not to be valid; (c) the availability of facts to assist in determining the validity of an action, claim or defense; (d) the relative financial position of the parties involved; (e) whether or not the action was prosecuted or defended, in whole or in part, in bad faith or for improper purpose; (f) whether or not issues of fact, determinative of the validity of a parties' claim or defense, were reasonably in conflict; (g) the extent to which the party prevailed with respect to the amount of and number of claims or defenses in controversy; (h) the extent to which any action, claim or defense was asserted by an attorney or party in a good faith attempt to establish a new theory of law in the state, which purpose was made known to the court at the time of filing; (i) the amount or conditions of any offer of judgment or settlement in relation to the amount or conditions of the ultimate relief granted by the court; (j) the extent to which a reasonable effort was made to determine prior to the time of filing of an action or claim that all parties sued or joined were proper parties owing a legally defined duty to any party or parties asserting the claim or action; (k) the extent of any effort made after the commencement of an action to reduce the number of parties in the action; and (l) the period of time available to the attorney for the party asserting any defense before such defense was interposed.

**SECTION 5.** Nothing in this Act shall be construed to prevent an attorney and his client from negotiating in private the actual fee which the

client is to pay his attorney. Nothing in this Act is intended to limit the authority of the court to approve written stipulations filed with the court or oral stipulations in open court agreeing to no award of attorneys' fees or costs or an award of attorneys' fees or costs in a manner different than that provided in this Act.

SECTION 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

SECTION 7. This Act shall apply to any suit or claim or defense or appeal filed subsequent to the effective date of this Act. It shall also apply to any suit or claim or defense or appeal which has been filed prior to the effective date of this Act and which is not dismissed within 180 days of the effective date of this Act.

SECTION 8. The provisions of this Act are cumulative and in addition to the damages which may be awarded for a frivolous appeal pursuant to Rule 38, ARAP.

SECTION 9. Any law or part of law or court decision in conflict with or inconsistent with this Act is hereby repealed insofar as such law or court decision conflicts with or is inconsistent with this Act.

SECTION 10. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Drinkard | Horn      |     |
| Amari     | Cabaniss      | Ellis    | Langford  |     |
| Bailey    | Campbell      | Figures  | Preuitt   |     |
| Barron    | Corbett       | Foshee   | Rice      |     |
| Bedford   | deGraffenried | Hand     | Sanders   |     |
| Bedsole   | Denton        | Hilliard | Smith (B) |     |
| Bennett   | Dial          | Holmes   | Smith (J) | —27 |

*Nays:* —0

And said Bill, H. B. 30, as thus amended by the substitute, was read a third time at length and passed.

Yeas 29; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Ellis    | Langford  |     |
| Amari     | Campbell      | Figures  | Manley    |     |
| Bailey    | Corbett       | Hale     | Preuitt   |     |
| Barron    | deGraffenried | Hand     | Rice      |     |
| Bedford   | Denton        | Hilliard | Sanders   |     |
| Bedsole   | Dial          | Holmes   | Smith (B) |     |
| Bennett   | Dixon         | Horn     | Smith (J) |     |
| Bishop    | Drinkard      |          |           | —29 |

*Nays:* —0

**RESOLUTION**

Senator Corbett offered the following Senate Resolution, to-wit:

**S. R. 62. RELATIVE TO CONFERENCE COMMITTEE ON TORT REFORM BILLS.**

BE IT RESOLVED BY THE SENATE, That upon the passage of these tort reform bills the Senate will not accept a Committee on Conference to correct or change any part of the tort reform package other than a technical or grammatical mistake.

Which was read and referred to the Standing Committee on Rules.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

|            |             |             |
|------------|-------------|-------------|
| S. J. R. 4 | S. J. R. 8  | S. J. R. 16 |
| S. J. R. 5 | S. J. R. 11 | S. J. R. 17 |
| S. J. R. 6 | S. J. R. 14 | S. J. R. 22 |
| S. J. R. 7 | S. J. R. 15 | S. J. R. 39 |

Delivered to the Governor May 14, 1987, at 12:40 P.M.

|             |             |             |
|-------------|-------------|-------------|
| S. J. R. 26 | S. J. R. 30 | S. J. R. 34 |
| S. J. R. 27 | S. J. R. 31 | S. J. R. 36 |
| S. J. R. 28 | S. J. R. 32 | S. J. R. 38 |
| S. J. R. 29 | S. J. R. 33 |             |

Delivered to the Governor May 14, 1987, at 3:25 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 7:20 P.M., on motion of Senator deGraffenried, the Senate adjourned until Tuesday, May 19, 1987, at 2 o'clock P.M.

## **TENTH LEGISLATIVE DAY**

**TUESDAY, MAY 19, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Curtis McDaniel, Associate Minister, Trinity Presbyterian Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Miss Robin Sexson, Alabama Christian Academy, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Manley    |
| Amari     | Covington     | Goodwin  | Menton    |
| Bailey    | deGraffenried | Hale     | Parsons   |
| Barron    | Denton        | Hand     | Preuitt   |
| Bedsole   | Dial          | Hilliard | Rice      |
| Bennett   | Dixon         | Holmes   | Sanders   |
| Bishop    | Drinkard      | Horn     | Smith (B) |
| Cabaniss  | Ellis         | Langford | Smith (J) |
| Campbell  | Figures       |          |           |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Bedford for today.

**INTERIM COMMITTEE REPORT FILED**

Pursuant to the provisions of Act 86-526, the report of the Joint Interim Committee on Municipal Government was read and ordered filed with the Secretary.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Barron (With Notice and Proof):

S. 418. Relating to DeKalb County; authorizing the probate judge to deposit the accounts of the probate office in an interest bearing account.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 418, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

S. 419. Relating to DeKalb County; to provide for an optional system of Alabama business licenses purchasing by mail; to authorize an additional fee for mailing licenses; and to provide for the disposition of such fees.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 419, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Drinkard, Campbell, and Bedsole:

S. 420. To create the "Alabama Clean Indoor Air Act"; to prohibit the smoking of tobacco products in certain public places and public meetings; and to provide for penalties for violations.

Committee on Judiciary.

By Senators Drinkard and Cabaniss:

S. 421. To create the Alabama Self-Insurers Guaranty Association; to provide for the membership and duties of the board of directors of the association; to establish an insolvency fund; to establish procedures by which claims may be filed and paid; to provide that the department of industrial relations shall regulate the association; and to provide for immunity from certain liability for the association.

Committee on Banking and Insurance.

By Senators Preuitt, Rice, Foshee, Campbell, and Smith (J):

S. 422. To repeal §22-6-5 of the Code of Alabama 1975, relating to the retention of eligibility for benefits by Medicaid patients who are in a nursing home and whose incomes increase to amounts exceeding eligibility ceiling.

Committee on Health.

By Senators Preuitt, Rice, Campbell, and Smith (J):

S. 423. To grant the Alabama Medicaid Agency the authority to contract with a central source for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed five years.

Committee on Health.

By Senators Dial, Manley, Bedsole, Foshee, and Barron:

S. 424. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at no cost to the recipient.

Committee on Governmental Affairs.

By Senator Cabaniss:

S. 425. To amend Code of Alabama 1975, Section 41-15-1, to authorize city and county boards of education or district boards of education of independent school districts to insure school buildings and property either in the state insurance fund or by other means, whichever in the opinion of such board provides the best coverage and premiums for such school buildings and property.

Committee on Education.

By Senators Cabaniss, Bedsole, Drinkard, Dial, Dixon, Manley, Foshee, Corbett, Amari, Holmes, Bennett, Smith (J), Parsons, Smith (B), Covington, Preuitt, Figures, and Hilliard:

S. 426. To amend Section 40-18-27, Code of Alabama 1975, relating to income tax returns, so as to extend to an innocent spouse who signs a joint return without knowledge of all entries the same limited liability as granted for federal income tax purposes.

Committee on Judiciary.

By Senators Cabaniss, Horn, Bennett, and Amari:

S. 427. To amend Section 4-3-45, Code of Alabama 1975, which provides for boards of directors for airport authorities, so as to provide further for membership in said boards.

Committee on Governmental Affairs.

By Senators Cabaniss and Bennett (With Notice and Proof):

S. 428. Relating to Jefferson County; to provide for funding for the Birmingham-Jefferson County Transit Authority by the City of Birmingham, Jefferson County and certain other municipalities in such county; to repeal Act No. 232 of the 1977 Regular Session of the Alabama legislature and all conflicting statutes.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 428, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.



**REGULAR SESSION**  
**10th Day**

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By Senator Parsons (With Notice and Proof):

S. 429. To amend Section 22-3-1, Code of Alabama 1975, relating to the composition of county boards of health, so as to provide for said composition in counties with a population in excess of 500,000 persons; amends Section 22-3-2 relating to the powers of the county boards of health so as to provide that said boards in counties with a population in excess of 500,000 persons shall conduct all proceedings according to the Alabama Administrative Procedure Act; and amends Section 41-22-3 relating to definitions within the Administrative Procedure Act, so as to include county boards of health in counties with a population in excess of 500,000 persons in the definition of the term "agency."

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 429, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Parsons and Bennett (With Notice and Proof):

S. 430. To amend further Section 10 of Act No. 497, Regular Session of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, relating to a pension system for officers and employees of Jefferson County, Alabama, so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 430, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

S. 431. To amend Article III, Section 9 of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended by Act No. 791 of the Regular Session of the Legislature of Alabama of 1975, said section relating to investment of the fund established for a retirement and relief system for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census as established originally by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, as amended, said Article III, Section 9 to be amended in full to provide that the Board of Managers of any such fund shall also have authority to approve investments of the fund after their making by the designee of the Board, to provide that investments of the fund in bonds and stocks of private corporations shall not exceed seventy-five percent of the funds available for investment, and, to provide that investments in stocks of private corporations shall not exceed fifty percent of the funds available for investment.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 431, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

S. 432. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1988, the board of managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 432, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

S. 433. To amend further Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as extensively amended by Act No. 1272, S. 620, Regular Session 1973 (Acts 1973, p. 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to provide further for new participants' credit for certain prior service.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 433, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

S. 434. To amend Article VII of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Board of Managers of the City of Birmingham Retirement and Relief System so as to provide that participant's loans shall be repaid in a period of forty-eight (48) months or less from the date of such loan and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board, but not less than seven (7) percent per annum.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 434, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

**REGULAR SESSION**  
**10th Day**

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By Senator Horn (With Notice and Proof):

S. 435. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 435, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

S. 436. Relating to Class 1 municipalities; exempting such municipalities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 436, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

S. 437. To amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) to provide a salary for members of the Park and Recreation Board of the City of Birmingham who are not members of the governing body of the City of Birmingham.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 437, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

S. 438. To amend Article VI, of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, to provide a delayed retirement benefit for employees of the Jefferson County Board of Health who have ten years of service, to provide for actuarial reports of the costs of such benefit, to provide an effective date, to provide for the payment of the cost of said benefit, and to provide for related matters.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 438, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard:

S. 439. To amend Section 41-16-50, Code of Alabama 1975, relating to certain contracts for which competitive bidding is required, so as to alter the provision regarding awarding contracts to resident bidders and the provision regarding bid bond requirements.

Committee on Governmental Affairs.

By Senator Dixon:

S. 440. Providing definitions of terms within the Act; to require a permit to manufacture packaged ice; providing for fees in the administration of this Act; requiring sanitary facilities, operations, and transportation methods and establishing operating standards; establishing duties and responsibilities for the Department of Public Health; establishing duties and responsibilities for ice facility operators; providing for enforcement of the Act and penalties for its violation; prescribing label requirements; and establishing an effective date.

Committee on Health.

By Senator Langford:

S. 441. To provide a graduated cost-of-living increase to all persons whose effective date of retirement for purposes of receiving benefits from the employees' retirement system is prior to October 1, 1987; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the judicial retirement system; and to provide for the funding of any increases granted pursuant to this act.

Committee on Finance and Taxation.

By Senators Bailey and Bedsole:

S. 442. To authorize the issuance of a summons or notice by livestock theft investigators for misdemeanor violations of livestock sanitary and disease control laws and regulations or any other laws and regulations governing the handling, movement or sale of livestock; to provide for the immediate taking into custody of persons who refuse to sign the summons or notice or to give their name and address; to provide that one who willfully fails to appear at the time and place specified in the summons commits the crime of bail jumping in the second degree.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Bailey, Bedsole, Dixon, Langford, Smith (J), and Dial:

S. 443. To amend Section 26-16-31, Code of Alabama 1975, which provides for a state income tax refund designation program for the Children's Trust Fund, so as to increase the designations to \$5.00 for an individual tax return and \$10.00 for a joint tax return, effective for the tax year 1987; and to provide that funds remaining in the Children's Trust Fund at the end of each state fiscal year shall not revert to the general fund but shall be carried over into each subsequent state fiscal year.

Committee on Finance and Taxation.

By Senators Bedsole and Hand:

S. 444. To define and prohibit the movement of any vehicle transporting "Extremely Hazardous Substances" upon a public highway without first being identified as such.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Bedsole:

S. 445. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Menton:

S. 446. To require hospitals to notify all pre-hospital agencies who assisted in delivering a person to a hospital, if the hospital learns said person has an infectious disease and to prescribe certain criminal penalties.

Committee on Judiciary.

By Senator Menton (With Notice and Proof):

S. 447. Relating to Mobile County; to amend Act No. 751, S. 599, 1967 Regular Session, as amended, which provides for funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, so as to provide further for said funding.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 447, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Menton (With Notice and Proof):

S. 448. Relating to Mobile County; to amend Act No. 544, S. 602, 1967 Regular Session, as amended, which provides for funds from the general fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, so as to provide further for said funding.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 448, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (J) (With Notice and Proof):

S. 449. To amend the title and section 1 of Act No. 80-783, S. 599 of the 1980 Regular Session (Acts 1980, p. 1617) providing a county salary supplement for the circuit judges in the Thirty-ninth Judicial Circuit so as to provide further for such salary supplements.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 449, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 450. Relating to Class I municipalities, to provide that the courts of this state shall take judicial notice of all municipal ordinances of such municipalities.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 450, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

### COMMUNICATION FROM DEPARTMENT OF ARCHIVES AND HISTORY

May 15, 1987

The Honorable McDowell Lee  
Secretary of the Senate  
Senate Chamber  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

The Trustees of the Alabama Department of Archives and History have re-elected a member of the Board for a new six year term ending December 31, 1992. In accordance with Alabama law (Code 41-6-4), we are communicating the results of this election to you so that the member, Archbishop Oscar H. Lipscomb from the First District, may be confirmed by the Senate.

Please let us know if you need any additional information. We will appreciate your help in bringing the result of this election before the Senate during the Regular Session.

Sincerely,  
EDWIN C. BRIDGES,  
Director.

### COMMUNICATION RECEIVED

The foregoing Communication from the Department of Archives and History, relative to an election to the Board of Trustees from the First

Congressional District, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM  
DEPARTMENT OF ARCHIVES AND HISTORY**

May 15, 1987

The Honorable McDowell Lee  
Secretary of the Senate  
Senate Chamber  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

The Trustees of the Alabama Department of Archives and History have re-elected a member of the Board for a new six year term ending December 31, 1992. In accordance with Alabama law (Code 41-6-4), we are communicating the results of this election to you so that the member, Mr. Robert E. Steiner III from the Second District, may be confirmed by the Senate.

Please let us know if you need any additional information. We will appreciate your help in bringing the result of this election before the Senate during the Regular Session.

Sincerely,  
EDWIN C. BRIDGES,  
Director.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Department of Archives and History, relative to an election to the Board of Trustees from the Second Congressional District, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 83. To amend Sections 3.02 and 4.02 of Act 618, H. 796, 1973 Regular Session of the Alabama Legislature (Acts 1973, p. 879, et seq.) as amended, relating to the Mayor-Council form of government in certain cities classified on a population basis, so as to provide further for certain procedures relating to declaring candidacy for certain offices in the City of Montgomery in Montgomery County, Alabama, and to provide for retroactive effect to April 1, 1987.

Also:

H. 90. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 1 (being all that part of

the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Also:

H. 91. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Also:

H. 218. Relating to Bullock County; to authorize the Bullock County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such county not to exceed three cents (3¢) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Bullock County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commission of such county for the collection of said taxes.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.



H. J. R. 189. COMMENDING THE 1986-87 LAWRENCE COUNTY HIGH SCHOOL BAND FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper and White (G):

H. 269. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 269—to the Committee on Finance and Taxation

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Penry and McMillan:

H. 138. To amend Act 86-434, Section 1, which relates to the authority of the State Department of Education to enter into contracts for periods not greater than three years for the storage of and distribution of the United States Department of Agriculture commodities, so as to provide for prices under future contracts to be adjusted in the second and third year.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 138—to the Committee on Agriculture, Conservation, and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Rep. Harper:

H. 209. To amend Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, private and parochial schools, the Alabama Institute for Deaf and Blind, Department of Youth Services School District and all other public institutions of higher learning shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 209—to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Rep. Adams:

H. 141. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the boards of education; establishes requirements of reporting; and exempts such entities from payment of certain taxes.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 141—to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 265. To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, relating to Insurance Company Premium Tax so as to change the dates of premium tax payments by insurers.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 265—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler, White (L), Beasley, and Johnson (RG):

H. 293. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include home health agencies; and to provide further for the advisory board.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 293—to the Committee on Health

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JE):

H. 166. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers and employees, so as to provide that a public officer when convicted of a felony shall vacate his office from the time of the conviction.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 166—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Coburn (With Notice and Proof):

H. 488. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 488, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McMillan (With Notice and Proof):

H. 385. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley, in Baldwin County.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 385, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 488 and 385—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marietta:

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board for General Contractors as provided in Section 34-8-20, specifically, and in Sections 34-8-1 through 34-8-27, generally, of the Code of Alabama 1975 with one modification; to amend Section 34-8-9 so as to issue building permits in the county area.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 154—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grouby and Bryant:

H. 366. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 366—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Buskey (JE):

H. 220. To amend Section 11-54A-7, Code of Alabama 1975, relating to Downtown Redevelopment Authorities so as to remove the restriction that state, county or municipal officers and employees cannot serve on the board of directors.

Also:

By Reps. Faulk, Carothers, Johnson (RG), Beasley, White (L), Payne, and Warren:

H. 273. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code

of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 220—to the Committee on Economic Affairs

H. B. 273—to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 116. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, Hammett, Clark (J), Fuller, Ford, Carter, Freeman, Wright, Harper, Hettinger, Logan, Laird, Starkey, White (G), Burke, Campbell, Junkins, Gray, Slaughter, and Bugg:

H. 80. To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 80—to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Biddle, Wright, and Curry (With Notice and Proof):

H. 513. Relating to Jefferson County, authorizing the Jefferson County Coroner-Medical Examiner's Office to take corneal tissue during the course of autopsy proceedings.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 513, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Blakeney and Breedlove (With Notice and Proof):

H. 537. To alter Clarke County Commission Districts Three and Two by transferring Beat 19 from District Three to District Two.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 537, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 513—to the Committee on Local Legislation No. 2

H. B. 537—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Breedlove (With Notice and Proof):

H. 404. Relating to Washington County; to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35, Section 20-2-93, and Title 28 of the Code of Alabama 1975.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 404, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McDowell (With Notice and Proof):

H. 509. To provide for the appointment of a Chief Deputy Tax Assessor by the Elected Jefferson County Tax Assessor and by the Elected Jefferson County Assistant Tax Assessor, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputies.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 509, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 404—to the Committee on Local Legislation No. 1

H. B. 509—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Wright, Biddle, Petelos, Curry, Payne, White (G), Slaughter, and Newton (With Notice and Proof):

H. 355. Relating to Jefferson County; to provide compensation for the executive assistant to the sheriff of Jefferson County; to provide additional compensation for longevity and for cost of living pay increases and to provide for and receive vacation, retirement, and sick benefits.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 355, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Coburn and Goodwin (With Notice and Proof):

H. 489. Relating to Colbert County: Abolishing the office of constable.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 489, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 355—to the Committee on Local Legislation No. 2

H. B. 489—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Rogers, Spratt, and Perdue (With Notice and Proof):

H. 345. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 345, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Curry, Davis, McClain, Seibels, White (G), Beers, McDowell, Biddle, Escott, Wright, Perdue, Rogers, and Payne (With Notice and Proof):

H. 348. To amend Article VI, of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, to provide a delayed retirement benefit for employees of the Jefferson County Board of Health who have ten years of service. To provide for actuarial reports of the costs of such benefit, to provide an effective date, to provide for the payment of the cost of said benefit, and to provide for related matters.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 348, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 345 and 348—to the Committee on Local Legislation No. 2

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Carothers, Johnson (RG), Hall, Faulk, Flowers, Drake, and Warren:

H. 163. To amend §34-24-360(15), Code of Alabama, 1975 to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 163—to the Committee on Health

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Rep. Hettinger:

H. 85. To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 85—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Box, Marietta, Fuller, and Johnson (RW):

H. 238. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 238—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Higginbotham:

H. 73. To amend Section 6-5-332, Code of Alabama, 1975, relating to rendering first aid or emergency care at the scene of an accident so as to include education employees.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 73—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Beasley, Carothers, and Johnson (RG):

H. 189. To further provide for the enforcement of the controlled substances laws in the dental profession and related occupations; to further provide for the investigative powers of the board of dental examiners relating to drug or controlled substances violations; to amend Section 34-9-43, Code

of Alabama 1975, as amended, relating to the general powers and duties, so as to provide that the board's investigators shall have the powers of peace officers and arrest relative to the enforcement of the drug and controlled substances laws; to further amend Sections 20-2-90 and 20-2-91, Code of Alabama 1975, as amended, relating to the enforcement of such laws and the inspections of prescriptions, orders, and records therefor, so as to authorize the investigators of the board of dental examiners to execute such powers to effectively investigate drug or controlled substances violations; to further provide for the board's investigators' qualifications; and to exclude such persons from certain allowances.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 189—to the Committee on Health

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 400. Relating to Sumter County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 400, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Marks (With Notice and Proof):

H. 480. Relating to Morgan County, to amend Act No. 80-597, H. 1141 of the 1980 Regular Session (Acts of 1980, p. 1011), as amended, relating to the distribution of certain gasoline taxes, so as to remove the expiration date.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 480, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 400 and 480—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Box, Campbell, Fuller, Marietta, Slaughter, and Newton:

H. 233. To provide for a revision of the guardianship laws of Alabama by providing: general provisions, definitions and jurisdiction of court; protection of persons under disability and their property; protection of property of persons under disability and minors; to repeal Sections 26-2-1; 26-2-20 through 26-2-25, 26-2-40 through 26-2-42, 26-2-49, 26-3-2, 26-3-6, 26-4-1 through 26-4-155, 26-5-17, 26-5-37, 26-6-1 through 26-6-6, and 26-7-1 through 26-7-5 of the Code of Alabama 1975, as amended; and to amend Sections 26-2-2, 26-2-26, 26-2-43, 26-2-45, 26-2-47, 26-2-48, 26-2-50 through 26-2-55, 26-3-1, 26-3-3 through 26-3-5, 26-3-7, 26-3-8, 26-3-10 through 26-3-14, 26-5-1, 26-5-2, 26-5-4, 26-5-5, 26-5-7 through 26-5-10, 26-5-12 through 26-5-16, 26-5-18, 26-5-30 through 26-5-36, 26-5-38, 26-5-39, 26-5-50 through 26-5-52, 26-8-1, 26-8-20 through 26-8-24, 26-8-40 through 26-8-46, 26-8-48 through 26-8-52, and 26-9-2 Code of Alabama, 1975.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 233—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Blake (With Notice and Proof):

H. 554. Relating to St. Clair County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 554, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 555. Relating to St. Clair County; to provide for additional expense allowances for certain county officials and expiration date therefor and providing for a certain monthly salary for certain county officials to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for said officials.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 555, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 554 and 555—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bryant:

H. 447. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County and the operation of said probate judge's office.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 447—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Butler, White (L), Beasley, and Johnson (RG):

H. 292. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the advisory board.

Also:

By Rep. Harper:

H. 207. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective on October 1, 1987, or thereafter.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 292—to the Committee on Health

H. B. 207—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

H. 325. To amend Section 32-5A-171, Code of Alabama 1975, which relates to the maximum speed limit of motor vehicles, so as to provide for an increase in the maximum speed limit on certain portions of the Interstate System and to provide for the marking of trucks and maximum speed limit of trucks transporting explosives, flammable liquids or hazardous wastes.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 325—to the Committee on Commerce, Transportation, and Utilities

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (RG) and Haynes:

H. 563. To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, (Acts 1985, p. 795) whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 1994; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 1995; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 1994-95 for this additional judgeship position.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 563—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (RG), Beasley, and Haynes:

H. 259. To amend Section 14-3-47 of the Code of Alabama 1975, to expressly allow the commissioner of corrections to train or employ state convicts in camps, posts or stations around the state and to adopt the regulations necessary as determined by the commissioner of corrections.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 259— to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Crow and Willis:

H. 124. To define the purpose and the terms used in this Act; to regulate the collection of wild ginseng; to provide for registration of dealers,



collectors and growers and to provide for record keeping; to provide for export permits; to provide for rules and regulations; to provide for a monitoring program and right of entry; to provide for procedures for reselling or refusal to issue certificates and permits and appeals therefrom; to provide for penalties for violations and to grant powers of sheriffs on agents in the enforcement of this Act.

Also:

By Reps. Penry and McMillan:

H. 137. To amend Sections 37-6-9, 37-6-10 and 37-6-11 to permit certain actions to be taken at area meetings of the members of rural electric cooperatives instead of at central annual or special meetings if the bylaws so provide, prescribes the procedures therefor and requires a central annual meeting for consolidation, merger, dissolution, sale or leasing of more than 10% of cooperative assets or bankruptcy or reorganization.

Also:

By Rep. Cosby:

H. 242. To amend Section 16-4-15 of the Code of Alabama, 1975, to permit the state superintendent of education to delay the taking of a school census for a period of 10 years.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 124—to the Committee on Economic Affairs

H. B. 137—to the Committee on Commerce, Transportation, and Utilities

H. B. 242—to the Committee on Education

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Flowers:

H. 10. To prohibit the display in public of any obscene bumper sticker, sign or writing; and to provide penalties for violations.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 10—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird:

H. 223. To allow certified copies of case action summary or docket sheets or other court records to be admitted into evidence for the purpose of proving that a person has been previously convicted of a crime.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 223—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Holley, Drake, Carothers, Burke, Beasley, Carter, Fuller, Parker, Turnham, Hooper, Walker, Lindsey, White (F), Rogers, Knight, Gaston, Kvalheim, Turner, Clark (J), Moon, Biddle, McDowell, Newton, Spratt, Curry, Davis, White (G), Beers, Logan, McKee, Freeman, Newman, McClain, Payne, Headley, and Ford:

H. 535. To amend Section 6-5-481 of the Code of Alabama 1975, relating to definitions of terms used in the Alabama Medical Liability Act so as to provide further for the definition of the terms "Other Health Care Providers" and "Professional Corporation."

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 535—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Flowers, Hammett, and Venable:

H. 483. To amend Section 37-6-4 so as to allow a generating or transmission cooperative to use the word "power" in its name in lieu of the words

“electric” or “cooperative” and to delete the requirement that the name of distribution cooperatives contain the word “electric.”

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 483—to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 324. To amend sections 40-11-4, 18-1A-30, 18-1A-290, 18-1A-291, and 18-1A-214, Code of Alabama 1975, relating to ad valorem taxes, so as to provide for the proration, calculation, collection and payment on a prorated basis of certain ad valorem taxes at the time of acquisition on property acquired by a tax exempt body with power of eminent domain through eminent domain or by conveyance; to provide further for the collection and payment, at the time of acquisition, of ad valorem taxes which are due and unpaid, including delinquent taxes on the property acquired, and on the property from which the acquisition is made, including the whole or entire property acquired, if the whole is acquired; to provide for the payment of all such taxes so collected to the appropriate tax collector, and for notice and procedure for the proration and for the collection and payment of all such taxes and for the removal of the acquired property from the tax assessor's book of assessments including the tax rolls of the tax assessor; and to repeal section 23-1-207, Code of Alabama 1975, authorizing the highway department to reimburse property owners for certain expenses.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 324—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Venable:

H. 194. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts

and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

Also:

By Reps. Adams and Flowers:

H. 139. To amend Section 36-21-2, Code of Alabama 1975, relating to the subsistence allowance for certain specified law enforcement officers, so as to extend the subsistence allowance provided therein to probation and parole officers of the Alabama board of pardons and paroles, fire marshals of the department of insurance, revenue enforcement officers of the department of revenue, and law enforcement officers of the state capitol police; and to make this act retroactive to January 21, 1987.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 194—to the Committee on Governmental Affairs

H. B. 139—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 193. To amend Section 11-43-12.1 Code of Alabama 1975, as amended, to authorize municipal employees or board members of municipal boards, organized under statutory authority of or for such municipality, to deal with and transact business with the employer municipality on the same basis and under the same procedures as municipal officials are authorized to do under said Section.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 193—to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall, Freeman, Grayson, Butler, Burke, Harvey, and Carter:

H. 362. Restricting the jurisdiction of a municipal building code in outlying areas of a municipality to such areas in which the local residents

have been afforded an opportunity to elect the municipal governing body responsible for such code.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 362—to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hammett, Fuller, Holley, Mathis, Gaston, Cosby, White (L), Williams, Payne, Adams, Venable, Johnson (RG), Flowers, and Clark (J):

H. 322. To provide that a rural electric cooperative or a gas district may terminate or decline service if an applicant or customer, or a member of the applicant's or customer's household, is indebted to such rural electric cooperative or gas district at the present location or a former location of the applicant or customer; to provide for certain exemptions; and to provide for continuance of service by special deposits pending resolution of disputes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 322—to the Committee on Commerce, Transportation, and Utilities

### BUDGET ISOLATION RESOLUTION

Senator Bennett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bennett, B. I. R., S. B. 3, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Corbett  | Foshee   | Manley  |
| Amari     | Denton   | Goodwin  | Menton  |
| Bailey    | Dial     | Hale     | Parsons |
| Barron    | Dixon    | Hand     | Preuitt |
| Bennett   | Drinkard | Hilliard | Rice    |
| Cabaniss  | Ellis    | Horn     | Sanders |
| Campbell  | Figures  |          |         |

—25

*Nays:*

—0

**BILLS ON THIRD READING****THE BILL:**

S. 3. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment No. 1 to the Bill, S. B. 3, to-wit:

**AMENDMENT NO. 1 TO S. B. 3**

Amend Senate Bill 3, Pages 1 and 2 by striking out Sections 2 and 3 in their entirety and renumbering subsequent sections appropriately.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Denton   | Goodwin  | Manley  |
| Amari     | Dial     | Hale     | Menton  |
| Bailey    | Dixon    | Hand     | Parsons |
| Barron    | Drinkard | Hilliard | Preuitt |
| Bennett   | Ellis    | Holmes   | Rice    |
| Cabaniss  | Figures  | Horn     | Sanders |
| Corbett   | Foshee   |          |         |

—25

*Nays:*

—0

The Standing Committee on Local Legislation No. 2 then reported the following amendment No. 2 to the Bill, S. B. 3, as amended, to-wit:

**AMENDMENT NO. 2 TO S. B. 3, AS AMENDED**

Amend Senate Bill 3, Page 1, Line 24, by inserting after the word "retiree" the following:

"under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended,".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Denton   | Goodwin  | Manley  |
| Amari     | Dial     | Hale     | Menton  |
| Bailey    | Dixon    | Hand     | Parsons |
| Barron    | Drinkard | Hilliard | Preuitt |
| Bennett   | Ellis    | Holmes   | Rice    |
| Cabaniss  | Figures  | Horn     | Sanders |
| Corbett   | Foshee   |          |         |

—25

*Nays:*

—0

And said Bill, S. B. 3, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Denton   | Goodwin  | Manley  |
| Amari     | Dial     | Hale     | Menton  |
| Bailey    | Dixon    | Hand     | Parsons |
| Barron    | Drinkard | Hilliard | Preuitt |
| Bennett   | Ellis    | Holmes   | Rice    |
| Cabaniss  | Figures  | Horn     | Sanders |
| Corbett   | Foshee   |          |         |

—25

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Beasley, Carothers, Mathis, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 173. MOURNING THE DEATH OF ALTO V. LEE, III, OF DOTHAN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Bailey, the Rules were suspended and the Resolution, H. J. R. 173, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Marietta:

H. J. R. 181. CONGRATULATING MR. AND MRS. JACK HARGROVE ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

By Reps. Marietta and Clark (W):

H. J. R. 182. COMMENDING THE UNITED STATES AIR FORCE STRATEGIC AIR COMMAND.

Also:

By Rep. Black:

H. J. R. 187. COMMENDING COACH LEIGH WALKER AND THE SUMTER ACADEMY LADY EAGLES ON THEIR 1987 APSA CLASS 3A STATE BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Black:

H. J. R. 188. CONGRATULATING THE SUMTER ACADEMY EAGLES ON THEIR OUTSTANDING 1987 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

By Reps. Marietta, Zoghby, Turner, Kennedy, Buskey (JE), Clark (W), Gaston, Kvalheim, Box, and Harper:

H. J. R. 183. COMMENDING THE REVEREND MACK MORRIS OF TILLMAN'S CORNER, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 181, 182, 187, 188, and 183, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 190. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 14, 1987, that we adjourn to meet again on Tuesday, May 19, 1987.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 190, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



**REPORTS OF COMMITTEES**

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 347. To amend Section 33-1-3, Code of Alabama 1975, which establishes the office of the Director of state docks, so as to provide that the Director's salary shall be fixed by the Governor, at any reasonable amount not to exceed by \$10,000.00 the highest authorized salary for employees of the department in the classified service of the state.

By Senator Corbett:

S. 339. Relating to the liquefied petroleum gas board and the regulation of liquefied petroleum gas; to amend Section 9-17-105 of the Code of Alabama 1975, so as to provide for the further regulation of liquefied petroleum gas and the liquefied petroleum gas industry; to provide further for the powers, duties, authority and requirements of the liquefied petroleum gas board; and to provide for the creation of a bond fund in the state treasury for the personal bonds posted by certain persons in the liquefied petroleum gas industry.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Amendment):

S. 290. To amend Section 36-6-1, Code of Alabama 1975, which defines "state employee" for compensation purposes, so as to authorize awards of nominal value as a form of discretionary compensation for deeds of merit and for longevity.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon (With Substitute):

S. 158. To provide for the establishment and operation of an Alabama Peace Officers' Hall of Fame Board, and to prescribe its powers and duties.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

S. 289. To amend Sections 41-13-5 and 41-13-22 through 41-13-25, Code of Alabama 1975, relating to the management of certain public records

so as to provide further for such management to include such records of municipalities; and to create a local government records commission in lieu of a county records commission.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 345. To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowance for certain law enforcement officers, so as to provide a subsistence allowance for any law enforcement officer of the state of Alabama who is employed by the Liquefied Petroleum Gas Board.

By Senator Corbett:

S. 174. To provide that a retired employee of the department of public safety may accept employment with another state, city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems.

By Senator Langford:

S. 276. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 19. To require certain deer hunters using modern firearms and any person accompanying one hunting deer to wear a minimum of 500 square inches of outer clothing consisting of hunter orange or daylight fluorescent orange material during certain hunting seasons and on certain lands; and to provide for penalties for violations.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Burke, Butler, Fuller, and Lindsey:

H. 79. To amend Section 8-17-216 of the Code of Alabama 1975, relating to permits for the possession and sale of special fireworks for public displays, so as to exempt certain distributors from a distributor's permit where such public display of fireworks is to be performed for charitable purposes.

By Senator Holmes:

S. 363. To promulgate "The Construction Equipment Franchise Act" in order to provide for the regulation of construction equipment manufacturers, distributors, wholesalers, dealers and their representatives; to provide

for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

By Senator Covington:

S. 365. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

By Senator Denton:

S. 356. Providing for the licensing and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of a board created and established by this act; prescribing fees for certain licenses related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act and providing initial funding from the state general fund for this act.

### BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 271, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Foshee   | Manley  |
| Amari     | Corbett  | Goodwin  | Menton  |
| Barron    | Denton   | Hale     | Parsons |
| Bedsole   | Dial     | Hand     | Preuitt |
| Bennett   | Dixon    | Hilliard | Rice    |
| Bishop    | Ellis    | Horn     | Sanders |
| Cabaniss  | Figures  |          |         |

—25

Nays:

—0

### BILLS ON THIRD READING RESUMED

THE BILL:

S. 271. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

having been postponed on the Ninth Legislative Day, was taken up.

And said Bill, S. B. 271, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Foshee   | Manley  |
| Amari     | Corbett  | Goodwin  | Menton  |
| Barron    | Denton   | Hale     | Parsons |
| Bedsole   | Dial     | Hand     | Preuitt |
| Bennett   | Dixon    | Hilliard | Rice    |
| Bishop    | Ellis    | Horn     | Sanders |
| Cabaniss  | Figures  |          |         |

—25

*Nays:*

—0

**POINT OF PERSONAL PRIVILEGE**

Senator Menton offered the following Statement in Writing, to-wit:

I request unanimous consent to let the journal reflect that had I been present, I would have voted Yea on House Bills 24, 26, 82, 432, 27, 28, 25, 81, 29, and 30.

Which was read and ordered spread upon the Journal.

**MOTION IN WRITING**

Senator Hand offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 193, on page 16 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 193, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedsole, B. I. R., S. B. 364, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Campbell | Goodwin  | Parsons   |
| Amari     | Corbett  | Hand     | Preuitt   |
| Bailey    | Denton   | Holmes   | Rice      |
| Barron    | Dial     | Horn     | Sanders   |
| Bedsole   | Dixon    | Langford | Smith (B) |
| Bishop    | Drinkard | Menton   | Smith (J) |
| Cabaniss  | Figures  |          |           |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 364. Relating to Mobile County, to amend Section 5 of Act No. 242, S. B. 79, 1876 Regular Session, as amended, which regulates public schools

in the county, so as to provide further for the powers and duties of the county board of education.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Campbell | Goodwin  | Parsons   |
| Amari     | Corbett  | Hand     | Preuitt   |
| Bailey    | Denton   | Holmes   | Rice      |
| Barron    | Dial     | Horn     | Sanders   |
| Bedsole   | Dixon    | Langford | Smith (B) |
| Bishop    | Drinkard | Menton   | Smith (J) |
| Cabaniss  | Figures  |          |           |

—25

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Figures, B. I. R., H. B. 358, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Figures  | Horn    |
| Amari     | Corbett  | Goodwin  | Manley  |
| Bailey    | Denton   | Hale     | Menton  |
| Barron    | Dial     | Hand     | Parsons |
| Bedsole   | Dixon    | Hilliard | Rice    |
| Bishop    | Drinkard | Holmes   | Sanders |
| Cabaniss  | Ellis    |          |         |

—25

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 358. Relating to any Class 5 municipality; providing for a referendum on the question of adoption of a mayor-council form of government with five single-member districts and a mayor to be elected at large; establishing the said forms of government; providing for the establishment of boundaries of five districts; and providing for penalties for violations of certain provisions of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Figures  | Horn    |
| Amari     | Corbett  | Goodwin  | Manley  |
| Bailey    | Denton   | Hale     | Menton  |
| Barron    | Dial     | Hand     | Parsons |
| Bedsole   | Dixon    | Hilliard | Rice    |
| Bishop    | Drinkard | Holmes   | Sanders |
| Cabaniss  | Ellis    |          |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Holmes requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Holmes, B. I. R., H. B. 283, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |          |
|-----------|----------|---------|----------|
| Senators: | Cabaniss | Figures | Langford |
| Amari     | Campbell | Foshee  | Manley   |
| Bailey    | Corbett  | Goodwin | Menton   |
| Barron    | Denton   | Hale    | Parsons  |
| Bedsole   | Dial     | Hand    | Rice     |
| Bennett   | Dixon    | Holmes  | Sanders  |
| Bishop    | Ellis    |         |          |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 283. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

was taken up.

On motion of Senator Holmes, further consideration of the Bill, H. B. 283, was postponed subject to the call of the Chair.

**MOTION IN WRITING**

Senator Cabaniss offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 55, on page 21 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 55, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**RESOLUTION**

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 63. COMMENDING CHARLIE GRAINGER ON HIS FIFTIETH BIRTHDAY.

Which was filed.

**BUDGET ISOLATION RESOLUTION**

Senator Covington requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Covington, B. I. R., H. B. 118, adopted.

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Yeas 25; Nays 0.

*Yeas:*

|           |           |         |         |     |
|-----------|-----------|---------|---------|-----|
| Senators: | Cabaniss  | Figures | Manley  |     |
| Amari     | Campbell  | Foshee  | Menton  |     |
| Bailey    | Covington | Hale    | Parsons |     |
| Barron    | Denton    | Hand    | Preuitt |     |
| Bedsole   | Dial      | Holmes  | Rice    |     |
| Bennett   | Dixon     | Horn    | Sanders |     |
| Bishop    | Ellis     |         |         | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 118. Relating to Dale County; to require the installation and maintenance of an improved system of recording and indexing documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special index and recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |           |         |         |     |
|-----------|-----------|---------|---------|-----|
| Senators: | Cabaniss  | Figures | Manley  |     |
| Amari     | Campbell  | Foshee  | Menton  |     |
| Bailey    | Covington | Hale    | Parsons |     |
| Barron    | Denton    | Hand    | Preuitt |     |
| Bedsole   | Dial      | Holmes  | Rice    |     |
| Bennett   | Dixon     | Horn    | Sanders |     |
| Bishop    | Ellis     |         |         | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Covington requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Covington, B. I. R., H. B. 119, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |           |         |         |     |
|-----------|-----------|---------|---------|-----|
| Senators: | Cabaniss  | Figures | Manley  |     |
| Amari     | Campbell  | Foshee  | Menton  |     |
| Bailey    | Covington | Hale    | Parsons |     |
| Barron    | Denton    | Hand    | Preuitt |     |
| Bedsole   | Dial      | Holmes  | Rice    |     |
| Bennett   | Dixon     | Horn    | Sanders |     |
| Bishop    | Ellis     |         |         | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 119. Relating to Dale County; to create a license-issuing division within the tax assessor's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the divisions; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of licenses by the tax assessor's office and to transfer certain duties now performed by the tax collector and probate judge to said office.

was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

|           |           |         |         |
|-----------|-----------|---------|---------|
| Senators: | Cabaniss  | Figures | Manley  |
| Amari     | Campbell  | Foshee  | Menton  |
| Bailey    | Covington | Hale    | Parsons |
| Barron    | Denton    | Hand    | Preuitt |
| Bedsale   | Dial      | Holmes  | Rice    |
| Bennett   | Dixon     | Horn    | Sanders |
| Bishop    | Elliis    |         |         |

—25

**Nays:**

—0

**REPORT OF COMMITTEE ON RULES****Mr. President:**

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 116. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

JIM SMITH,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**BUDGET ISOLATION RESOLUTION**

Senator Manley requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Manley, B. I. R., S. B. 291, adopted.



Yeas 25; Nays 0.

*Yeas:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Cabaniss | Ellis   | Holmes  |
| Amari     | Campbell | Figures | Horn    |
| Bailey    | Corbett  | Foshee  | Manley  |
| Barron    | Denton   | Goodwin | Parsons |
| Bedsole   | Dial     | Hale    | Rice    |
| Bennett   | Dixon    | Hand    | Sanders |
| Bishop    | Drinkard |         |         |

—25

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 291. To propose a constitutional amendment amending Section 6 and deleting Section 16 of Constitutional Amendment 465 so as to provide that the Port Authority established by the City of Jackson shall only maintain offices within said city, that certain powers shall be granted and enforceable only within the City of Jackson and the police jurisdiction of said city and to remove the prohibition against the subsequent incorporation of another corporation within the county.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Cabaniss | Ellis   | Holmes  |
| Amari     | Campbell | Figures | Horn    |
| Bailey    | Corbett  | Foshee  | Manley  |
| Barron    | Denton   | Goodwin | Parsons |
| Bedsole   | Dial     | Hale    | Rice    |
| Bennett   | Dixon    | Hand    | Sanders |
| Bishop    | Drinkard |         |         |

—25

*Nays:*

—0

### RESOLUTION

Senators Foshee and Covington offered the following Senate Resolution, to-wit:

S. R. 64. COMMENDING HARRIS MARSHALL LONG ON THE OCCASION OF HIS BIRTH.

Which was filed.

### BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., S. B. 59, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Cabaniss | Foshee   | Horn     |
| Amari     | Campbell | Goodwin  | Langford |
| Bailey    | Corbett  | Hale     | Manley   |
| Barron    | Dial     | Hand     | Menton   |
| Bedsole   | Drinkard | Hilliard | Rice     |
| Bennett   | Ellis    | Holmes   | Sanders  |
| Bishop    | Figures  |          |          |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Heflin, in Cleburne County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Cabaniss | Foshee   | Horn     |
| Amari     | Campbell | Goodwin  | Langford |
| Bailey    | Corbett  | Hale     | Manley   |
| Barron    | Dial     | Hand     | Menton   |
| Bedsole   | Drinkard | Hilliard | Rice     |
| Bennett   | Ellis    | Holmes   | Sanders  |
| Bishop    | Figures  |          |          |

—25

*Nays:*

—0

**RESOLUTION**

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 65. COMMENDING CONRAD L. NEWMAN OF UNION SPRINGS, ALABAMA, FOR DISTINGUISHED SERVICE TO THE SCHOOLS OF HENRY AND BULLOCK COUNTIES.

WHEREAS, Conrad L. Newman has served with the public schools of Henry and Bullock Counties since 1954, and his July 1, 1987, retirement thereby brings to a close an outstanding professional career of some 33 years; and

WHEREAS, a native of Clopton, Alabama, Mr. Newman received the A. B., M. Ed. and Ed. S. degrees, as well as his AA Certificate, from Alabama State University in Montgomery; and

WHEREAS, Mr. Newman began his career in Henry County in 1954 as a teacher at Northside High School, and subsequently served as principal of various schools within the Henry County System until 1979; and

WHEREAS, after serving as Assistant Superintendent of the Henry County Schools from February 1979 to August 1979, Mr. Newman became

Superintendent of Schools in Bullock County and has since so served with highest distinction; and

WHEREAS, Mr. Newman is professionally associated with such prestigious organizations as Phi Delta Kappa, National Education Association (Life), the American, Alabama, and District IV (Alabama) Associations of School Administrators, the Alabama Council for School Administration and Supervision, and the Alabama Association of School Boards; and

WHEREAS, he also holds fraternal membership in Alpha Phi Alpha and Magnolia Lodge Number 219 F and AM, and is listed in such profiles as Personalities of the South, Who's Who in the South and Southwest and Notable American Awards; and

WHEREAS, Dr. Newman further is the recipient of a number of awards, honors and accolades, and in 1982 was recognized by Alabama State University as Alumnus of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude for his many years of outstanding service in the field of education and in recognition of distinguished achievement, we hereby commend Conrad L. Newman of Union Springs, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

#### BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Barron, B. I. R., S. B. 99, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Campbell | Goodwin  | Langford |
| Amari     | Corbett  | Hale     | Manley   |
| Barron    | Dial     | Hand     | Menton   |
| Bedsole   | Drinkard | Hilliard | Parsons  |
| Bennett   | Ellis    | Holmes   | Rice     |
| Bishop    | Figures  | Horn     | Sanders  |
| Cabaniss  | Foshee   |          |          |

—25

Nays:

—0

#### BILLS ON THIRD READING RESUMED

##### THE BILL:

S. 99. Relating to DeKalb County; to create a motor vehicle license and title division within the tax assessor's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by the tax assessor's office; to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Campbell | Goodwin  | Langford |     |
| Amari     | Corbett  | Hale     | Manley   |     |
| Barron    | Dial     | Hand     | Menton   |     |
| Bedsole   | Drinkard | Hilliard | Parsons  |     |
| Bennett   | Ellis    | Holmes   | Rice     |     |
| Bishop    | Figures  | Horn     | Sanders  |     |
| Cabaniss  | Foshee   |          |          | —25 |

*Nays:*

—0

### BUDGET ISOLATION RESOLUTION

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Goodwin, B. I. R., H. B. 435, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Cabaniss | Figures  | Langford |     |
| Amari     | Campbell | Goodwin  | Manley   |     |
| Bailey    | Denton   | Hand     | Menton   |     |
| Barron    | Dial     | Hilliard | Parsons  |     |
| Bedsole   | Dixon    | Holmes   | Rice     |     |
| Bennett   | Drinkard | Horn     | Sanders  |     |
| Bishop    | Ellis    |          |          | —25 |

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

THE BILL:

H. 435. Relating to Chilton County; levying an ad valorem tax in the county, not to exceed a certain millage rate pursuant to Constitutional Amendment 373, Constitution of 1901, as amended, and simultaneously rescinding certain existing ad valorem taxes enacted pursuant to Amendments 72 and 125 of the said Constitution, which are designated for public health and indigent care, so as to redesignate certain portions of such revenues for law enforcement, county roads and bridges, as well as public health and disease prevention, and other county purposes; providing a referendum on said ad valorem taxes.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 435, to-wit:

#### AMENDMENT TO H. B. 435

Amend House Bill 435 on page 3, line 5 by deleting the word "certified" and inserting in lieu thereof "certified"

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Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Cabaniss | Figures  | Langford |     |
| Amari     | Campbell | Goodwin  | Manley   |     |
| Bailey    | Denton   | Hand     | Menton   |     |
| Barron    | Dial     | Hilliard | Parsons  |     |
| Bedsole   | Dixon    | Holmes   | Rice     |     |
| Bennett   | Drinkard | Horn     | Sanders  |     |
| Bishop    | Ellis    |          |          | —25 |

*Nays:* —0

And said Bill, H. B. 435, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Cabaniss | Figures  | Langford |     |
| Amari     | Campbell | Goodwin  | Manley   |     |
| Bailey    | Denton   | Hand     | Menton   |     |
| Barron    | Dial     | Hilliard | Parsons  |     |
| Bedsole   | Dixon    | Holmes   | Rice     |     |
| Bennett   | Drinkard | Horn     | Sanders  |     |
| Bishop    | Ellis    |          |          | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Goodwin, B. I. R., H. B. 436, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Cabaniss | Figures  | Langford |     |
| Amari     | Campbell | Goodwin  | Manley   |     |
| Bailey    | Denton   | Hand     | Menton   |     |
| Barron    | Dial     | Hilliard | Parsons  |     |
| Bedsole   | Dixon    | Holmes   | Rice     |     |
| Bennett   | Drinkard | Horn     | Sanders  |     |
| Bishop    | Ellis    |          |          | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 436. Relating to Chilton County; to provide that the probate judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly

printed, typewritten or stamped thereon the grantee's name and latest complete address.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Cabaniss | Figures  | Langford |
| Amari     | Campbell | Goodwin  | Manley   |
| Bailey    | Denton   | Hand     | Menton   |
| Barron    | Dial     | Hilliard | Parsons  |
| Bedsole   | Dixon    | Holmes   | Rice     |
| Bennett   | Drinkard | Horn     | Sanders  |
| Bishop    | Ellis    |          |          |

—25

*Nays:*

—0

### BUDGET ISOLATION RESOLUTION

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator deGraffenried, B. I. R., S. B. 241, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | Corbett       | Foshee   | Horn    |
| Amari     | deGraffenried | Goodwin  | Manley  |
| Bailey    | Dial          | Hale     | Menton  |
| Barron    | Dixon         | Hand     | Parsons |
| Bedsole   | Drinkard      | Hilliard | Rice    |
| Bishop    | Ellis         | Holmes   | Sanders |
| Campbell  | Figures       |          |         |

—25

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 241. Relating to Tuscaloosa County; to amend Sections 10 and 11 of Act No. 80-618, H. 852, Regular Session 1980, (Acts 1980, p. 1054), which established a public defender office in Tuscaloosa County, so as to increase court costs taxed in the circuit and district courts payable to the public defender fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | Corbett       | Foshee   | Horn    |
| Amari     | deGraffenried | Goodwin  | Manley  |
| Bailey    | Dial          | Hale     | Menton  |
| Barron    | Dixon         | Hand     | Parsons |
| Bedsole   | Drinkard      | Hilliard | Rice    |
| Bishop    | Ellis         | Holmes   | Sanders |
| Campbell  | Figures       |          |         |

—25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Barron requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Barron, B. I. R., S. B. 295, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Campbell | Foshee   | Horn    |     |
| Amari     | Denton   | Goodwin  | Manley  |     |
| Barron    | Dial     | Hale     | Menton  |     |
| Bedsole   | Dixon    | Hand     | Parsons |     |
| Bennett   | Drinkard | Hilliard | Rice    |     |
| Bishop    | Ellis    | Holmes   | Sanders |     |
| Cabaniss  | Figures  |          |         | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 295. Relating to the City of Scottsboro, Alabama; to prohibit the hunting of ducks, geese and all other waterfowl within the Roseberry Embayment.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 295, to-wit:

**AMENDMENT TO S. B. 295**

Amend S. B. 295 on Page 1, by deleting Line 13 in its entirety, and inserting in lieu thereof, "within certain areas of the Roseberry Embayment".

Further amend Page 1, Section 1, by deleting Section 1 in its entirety and inserting in lieu thereof the following:

"All hunting of ducks, geese and waterfowl of any kind within 150 yards of the shoreline of any residential or populated area is expressly prohibited on or over the waters of or within the Roseberry Embayment, being in Sections 4, 5, 6, 7, 8, 17 and 18, Township 5, South, Range 6 East; Sections 12 and 13, Township 5 South, Range 5 East; and Sections 27, 28, 31, 32 and 33, Township 4 South, Range 6 East, City of Scottsboro, Jackson County, Alabama."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Campbell | Foshee   | Horn    |     |
| Amari     | Denton   | Goodwin  | Manley  |     |
| Barron    | Dial     | Hale     | Menton  |     |
| Bedsole   | Dixon    | Hand     | Parsons |     |
| Bennett   | Drinkard | Hilliard | Rice    |     |
| Bishop    | Ellis    | Holmes   | Sanders |     |
| Cabaniss  | Figures  |          |         | —25 |

Nays: —0

And said Bill, S. B. 295, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Campbell | Foshee   | Horn    |     |
| Amari     | Denton   | Goodwin  | Manley  |     |
| Barron    | Dial     | Hale     | Menton  |     |
| Bedsole   | Dixon    | Hand     | Parsons |     |
| Bennett   | Drinkard | Hilliard | Rice    |     |
| Bishop    | Ellis    | Holmes   | Sanders |     |
| Cabaniss  | Figures  |          |         | —25 |

Nays: —0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 376, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Cabaniss | Hale     | Manley  |     |
| Amari     | Campbell | Hand     | Menton  |     |
| Bailey    | Denton   | Hilliard | Parsons |     |
| Barron    | Dial     | Holmes   | Preuitt |     |
| Bedsole   | Dixon    | Horn     | Rice    |     |
| Bennett   | Ellis    | Langford | Sanders |     |
| Bishop    | Foshee   |          |         | —25 |

Nays: —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 376. Relating to Escambia County; providing for a monthly retirement benefit for certain employees in the tax collector's office to be paid from the general fund of the county.

was read a third time at length and passed.



REGULAR SESSION  
10th Day

503

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Cabaniss | Hale     | Manley  |
| Amari     | Campbell | Hand     | Menton  |
| Bailey    | Denton   | Hilliard | Parsons |
| Barron    | Dial     | Holmes   | Preuitt |
| Bedsole   | Dixon    | Horn     | Rice    |
| Bennett   | Ellis    | Langford | Sanders |
| Bishop    | Foshee   |          |         |

—25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 331, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Cabaniss | Hale     | Manley  |
| Amari     | Campbell | Hand     | Menton  |
| Bailey    | Denton   | Hilliard | Parsons |
| Barron    | Dial     | Holmes   | Preuitt |
| Bedsole   | Dixon    | Horn     | Rice    |
| Bennett   | Ellis    | Langford | Sanders |
| Bishop    | Foshee   |          |         |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 331. Relating to Coffee County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Cabaniss | Hale     | Manley  |
| Amari     | Campbell | Hand     | Menton  |
| Bailey    | Denton   | Hilliard | Parsons |
| Barron    | Dial     | Holmes   | Preuitt |
| Bedsole   | Dixon    | Horn     | Rice    |
| Bennett   | Ellis    | Langford | Sanders |
| Bishop    | Foshee   |          |         |

—25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 43, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Cabaniss | Hale     | Manley    |     |
| Amari     | Campbell | Hand     | Menton    |     |
| Bailey    | Denton   | Hilliard | Preuitt   |     |
| Barron    | Dial     | Holmes   | Rice      |     |
| Bedsole   | Dixon    | Horn     | Sanders   |     |
| Bennett   | Ellis    | Langford | Smith (J) |     |
| Bishop    | Foshee   |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 43. Relating to the twenty-second judicial circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary; allowing certain court employees to be present during certain portions of grand jury sessions.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Cabaniss | Hale     | Manley    |     |
| Amari     | Campbell | Hand     | Menton    |     |
| Bailey    | Denton   | Hilliard | Preuitt   |     |
| Barron    | Dial     | Holmes   | Rice      |     |
| Bedsole   | Dixon    | Horn     | Sanders   |     |
| Bennett   | Ellis    | Langford | Smith (J) |     |
| Bishop    | Foshee   |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 45, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Horn      |     |
| Amari     | Campbell      | Foshee   | Manley    |     |
| Bailey    | Corbett       | Hale     | Parsons   |     |
| Barron    | Covington     | Hand     | Rice      |     |
| Bedsole   | deGraffenried | Hilliard | Smith (B) |     |
| Bennett   | Denton        | Holmes   | Smith (J) |     |
| Bishop    | Dial          |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 45. Relating to the twenty-second judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.  
was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Horn      |
| Amari     | Campbell      | Foshee   | Manley    |
| Bailey    | Corbett       | Hale     | Parsons   |
| Barron    | Covington     | Hand     | Rice      |
| Bedsole   | deGraffenried | Hilliard | Smith (B) |
| Bennett   | Denton        | Holmes   | Smith (J) |
| Bishop    | Dial          |          |           |

—25

*Nays:*

—0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 66. SPECIAL ORDER FOR RESOLUTIONS.**

**RESOLVED BY THE SENATE** That the following resolutions of commendation and sympathy be adopted pursuant to Rule 55:

|        |         |         |
|--------|---------|---------|
| HJR 60 | HJR 113 | HJR 155 |
| HJR 67 | HJR 114 | HJR 156 |
| HJR 68 | HJR 115 | HJR 157 |
| HJR 76 | HJR 117 | HJR 164 |
| HJR 77 | HJR 118 | HJR 165 |
| HJR 84 | HJR 121 | HJR 166 |
| HJR 88 | HJR 133 | HJR 167 |
| HJR 89 | HJR 150 | HJR 169 |
| HJR 90 | HJR 151 | HJR 170 |
| HJR 91 | HJR 152 | HJR 171 |
| HJR 92 | HJR 154 | HJR 172 |

On motion of Senator Smith (J), said Resolution was adopted by the Senate.

**SPECIAL ORDER**

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House

Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 60. WELCOMING PRESIDENT RONALD REAGAN TO ALABAMA AND TO THE TUSKEGEE UNIVERSITY CAMPUS.

Also:

H. J. R. 67. COMMENDING SPENCER BACHUS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 68. COMMENDING CHRIS MCNAIR OF BESSEMER, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 76. CONGRATULATING COACH JEFF MILWEE AND THE J. B. PENNINGTON HIGH SCHOOL VARSITY ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

H. J. R. 77. HONORING DR. CORDELL WYNN AS PRESIDENT OF STILLMAN COLLEGE AND FOR OUTSTANDING LEADERSHIP IN TUSCALOOSA COUNTY.

Also:

H. J. R. 84. COMMENDING O. B. EMERSON OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 88. COMMENDING DOROTHY JACKSON OF ETOWAH COUNTY, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 89. MOURNING THE DEATH OF RUSHIA ODESSA BYRUM OF GADSDEN, ALABAMA.

Also:

H. J. R. 90. COMMENDING THE MOBILE COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION.

Also:

H. J. R. 91. MOURNING THE DEATH OF JOHN PALMER OF MOBILE, ALABAMA.

Also:

H. J. R. 92. MOURNING THE DEATH OF RAYMOND L. WOOD OF MOBILE, ALABAMA.

Also:

H. J. R. 113. MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.

Also:

H. J. R. 114. COMMENDING SUSAN D. PARKER OF HARTSELLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

H. J. R. 115. NAMING THE JACK DUNN ROAD.

Also:

H. J. R. 117. CONGRATULATING AND COMMENDING MR. HENRY WALTERS OF LEGRAND, ALABAMA, ON THE OCCASION OF HIS 73RD BIRTHDAY.

Also:

H. J. R. 118. COMMENDING THE CEDAR PARK/EDGEWOOD OLYMPICS OF THE MIND TEAM.

Also:

H. J. R. 121. COMMENDING EMMETT V. MOSELEY OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 133. COMMENDING J. O. JOHNSON HIGH SCHOOL JAGUARS BOYS BASKETBALL TEAM, 1987 6A STATE CHAMPIONS.

Also:

H. J. R. 150. CONGRATULATING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 151. COMMENDING JACK PRATT OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 152. COMMENDING THE SAFETY PROGRAM OF THE INSPECTOR DETECTOR ASSOCIATION AND DESIGNATING "INSPECTOR DETECTOR" AS AN OFFICIAL STATE SAFETY MASCOT.

Also:

H. J. R. 154. CONGRATULATING DAVEY ALLISON OF HUEYTOWN, ALABAMA, ON HIS CAPTURE OF THE 18TH ANNUAL WINSTON 500.

Also:

H. J. R. 155. MOURNING THE DEATH OF SANDY BENNETT OF NEWBERN, HALE COUNTY, ALABAMA.

Also:

H. J. R. 156. COMMENDING L. D. BRUCE ON A DISTINGUISHED CAREER WITH THE CHEROKEE COUNTY SCHOOL SYSTEM.

Also:

H. J. R. 157. MOURNING THE DEATH OF THE REVEREND DR. MARION L. NEWMAN OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 164. COMMENDING JULIUS MITCHELL OF PELL CITY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

Also:

H. J. R. 165. COMMENDING OPAL ROBINSON OF SPRINGVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

Also:

H. J. R. 166. COMMENDING ADDIE RHODES LEE OF MIDFIELD, "ALABAMA TEACHER OF THE YEAR 1987."

Also:

H. J. R. 167. COMMENDING AND CONGRATULATING COACH NOLAN J. ATKINS AND THE SWEET WATER HIGH SCHOOL BULLDOGS ON THEIR 1986 CLASS 1A FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 169. COMMENDING OUR COLLEAGUE, MARY ZOGHBY, 1986 FIRST LADY OF MOBILE.

Also:

H. J. R. 170. COMMENDING CURTIS ALLEN GARRETT OF MIDFIELD, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 171. DESIGNATING THE WEEK OF MAY 24-30, 1987, AS "HEIFER PROJECT INTERNATIONAL WEEK" IN ALABAMA.

Also:

H. J. R. 172. COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

On motion of Senator Smith (J), the House Joint Resolutions, H. J. R.'s 60, 67, 68, 76, 77, 84, 88, 89, 90, 91, 92, 113, 114, 115, 117, 118, 121, 133, 150, 151, 152, 154, 155, 156, 157, 164, 165, 166, 167, 169, 170, 171, and 172, were concurred in and adopted by the Senate.

#### REPORT FROM RULES

Senator Smith (J), Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following

House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 111. MEMORIALIZING THE U.S. CONGRESS AND THE DEPARTMENT OF COMMERCE TO STUDY TURTLE EXCLUDER DEVICES WHICH HAVE DETRIMENTAL EFFECTS ON OUR SHRIMPING INDUSTRY.

On motion of Senator Smith (J), the House Joint Resolution, H. J. R. 111, was concurred in and adopted by the Senate.

### MOTIONS IN WRITING

Senator Smith (J) offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 84, on page 23 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 84, referred to the Standing Committee on Rules for placement on the Consent Calendar.

I move that the Bill, S. B. 83, on page 23 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 83, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 3. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

JIM SMITH,  
Chairperson.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 67. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the tenth legislative day of the 1987 Regular Session only:

| <u>BILL NO.</u> | <u>DESCRIPTION</u>                                           | <u>PAGE NO.</u> |
|-----------------|--------------------------------------------------------------|-----------------|
| SB 139          | Alabama Regional Reciprocal Savings Institutions Act, estab. | 2               |

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

Yeas 21; Nays 3.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Drinkard | Manley    |     |
| Bailey    | Covington     | Ellis    | Menton    |     |
| Barron    | deGraffenried | Goodwin  | Rice      |     |
| Bedsole   | Denton        | Hale     | Smith (B) |     |
| Bishop    | Dial          | Holmes   | Smith (J) |     |
| Cabaniss  | Dixon         |          |           | —21 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Langford | Parsons | —3 |
|-----------|---------|----------|---------|----|

### BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 139, adopted.

Yeas 24; Nays 4.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Figures  | Manley    |     |
| Bailey    | Denton        | Foshee   | Menton    |     |
| Barron    | Dial          | Goodwin  | Pruitt    |     |
| Bedsole   | Dixon         | Hale     | Rice      |     |
| Bishop    | Drinkard      | Hand     | Smith (B) |     |
| Cabaniss  | Ellis         | Hilliard | Smith (J) |     |
| Covington |               |          |           | —24 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Langford | Parsons |    |
| Campbell  |         |          |         | —4 |

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, which was the Bill:

S. 139. To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

On motion of Senator deGraffenried, further consideration of the Bill, S. B. 139, was postponed subject to the call of the Chair.



**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 358. Relating to any Class 5 municipality; providing for a referendum on the question of adoption of a mayor-council form of government with five single-member districts and a mayor to be elected at large; establishing the said forms of government; providing for the establishment of boundaries of five districts; and providing for penalties for violations of certain provisions of this act.

Also:

H. J. R. 173. MOURNING THE DEATH OF ALTO V. LEE, III, OF DOTHAN, ALABAMA.

Also:

H. J. R. 181. CONGRATULATING MR. AND MRS. JACK HARGROVE ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 182. COMMENDING THE UNITED STATES AIR FORCE STRATEGIC AIR COMMAND.

Also:

H. J. R. 183. COMMENDING THE REVEREND MACK MORRIS OF TILLMAN'S CORNER, ALABAMA.

Also:

H. J. R. 187. COMMENDING COACH LEIGH WALKER AND THE SUMTER ACADEMY LADY EAGLES ON THEIR 1987 APSA CLASS 3A STATE BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 188. CONGRATULATING THE SUMTER ACADEMY EAGLES ON THEIR OUTSTANDING 1987 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

H. J. R. 190. RELATIVE TO MEETING DAYS.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 295. Relating to the City of Scottsboro, Alabama; to prohibit the hunting of ducks, geese and all other waterfowl within certain areas of the Roseberry Embayment.

JIM SMITH,  
Chairperson.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 118. Relating to Dale County; to require the installation and maintenance of an improved system of recording and indexing documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special index and recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

Also:

H. 119. Relating to Dale County; to create a license-issuing division within the tax assessor's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the divisions; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of licenses by the tax assessor's office and to transfer certain duties now performed by the tax collector and probate judge to said office.

Also:

H. 376. Relating to Escambia County; providing for a monthly retirement benefit for certain employees in the tax collector's office to be paid from the general fund of the county.

Also:

H. 436. Relating to Chilton County; to provide that the probate judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF B. I. R., S. B. 88

The Senate proceeded to consideration of the B. I. R., S. B. 88, having been postponed on the Eighth Legislative Day.

Senator Bishop, B. I. R., S. B. 88, adopted.

Yeas 18; Nays 7.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Goodwin  | Preuitt   |     |
| Bailey    | deGraffenried | Holmes   | Rice      |     |
| Bennett   | Denton        | Horn     | Sanders   |     |
| Bishop    | Figures       | Langford | Smith (B) |     |
| Campbell  | Foshee        | Menton   |           | —18 |

*Nays:*

|           |          |       |           |    |
|-----------|----------|-------|-----------|----|
| Senators: | Cabaniss | Dixon | Manley    |    |
| Bedsole   | Dial     | Hand  | Smith (J) | —7 |

### BILLS ON THIRD READING RESUMED

THE BILL:

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating

plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

was taken up.

Senator Bennett offered the following amendment to the Bill, S. B. 88, to-wit:

### AMENDMENT TO S. B. 88

Amend Senate Bill 88, Page 3, Line 18, by inserting the following underlined language after the word "state":

. Campaign contributions, whether individually given, or by political action committees, and whether such contributions are monetary or in-kind, from any person, officer or agent of the insurance industry in such election campaigns are strictly prohibited.

Which was adopted.

Yeas 25; Nays 4.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Menton    |
| Bailey    | deGraffenried | Goodwin  | Parsons   |
| Barron    | Denton        | Hand     | Preuitt   |
| Bennett   | Dial          | Holmes   | Rice      |
| Bishop    | Dixon         | Langford | Sanders   |
| Campbell  | Ellis         | Manley   | Smith (B) |
| Corbett   | Figures       |          |           |

—25

Nays:

|           |          |      |           |
|-----------|----------|------|-----------|
| Senators: | Cabaniss | Hale | Smith (J) |
| Bedsole   |          |      |           |

—4

Senator Barron offered the following amendment to the Bill, S. B. 88, as amended, to-wit:

### AMENDMENT TO S. B. 88

On page 1, lines 11 through 13, delete the language "Make such commissioner an elected officer of the state and provides" and insert in lieu thereof:

provide

On page 2, lines 5 through 6, delete the language "make such commissioner an elected officer of the state and providing"

On page 3, lines 16 through 28, delete the following language:

be elected on the first Tuesday after the first Monday in November 1988, and every fourth year thereafter, in accordance with the laws of this state

~~appointed by the governor. He shall serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.~~

~~"(b) The commissioner shall be selected with special reference to his training, experience and capacity. He shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated."~~

and insert in lieu thereof the following:

be appointed by the governor. He shall serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.

"(b) The commissioner shall be selected with special reference to his training, experience and capacity. He shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated."

On motion of Senator Goodwin, said amendment was laid on the table.

Yeas 15; Nays 13.

Yeas:

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Corbett   | Goodwin  | Langford |     |
| Bailey    | Covington | Hilliard | Menton   |     |
| Bennett   | Figures   | Holmes   | Parsons  |     |
| Bishop    | Foshee    | Horn     | Sanders  | —15 |

Nays:

|               |       |         |           |     |
|---------------|-------|---------|-----------|-----|
| Senators:     | Dial  | Hand    | Rice      |     |
| Bedsole       | Dixon | Manley  | Smith (B) |     |
| Cabaniss      | Ellis | Preuitt | Smith (J) |     |
| deGraffenried | Hale  |         |           | —13 |

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 116

Delivered to the Secretary of State May 19, 1987, at 4:05 P.M.

McDOWELL LEE,  
Secretary of Senate.

## SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

## ADJOURNMENT

At 6:30 P.M., on motion of Senator deGraffenried, pending further consideration of the Bill, S. B. 88, the Senate adjourned until Thursday, May 21, 1987, at 10 'clock A.M.

## **ELEVENTH LEGISLATIVE DAY**

**THURSDAY, MAY 21, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Mr. Martel Pace, Minister, Vaughn Park Church of Christ, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Mike Griffin, Cloverdale Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Manley    |
| Bailey    | Covington     | Goodwin  | Menton    |
| Barron    | deGraffenried | Hale     | Parsons   |
| Bedsole   | Denton        | Hand     | Preuitt   |
| Bennett   | Dial          | Hilliard | Rice      |
| Bishop    | Dixon         | Holmes   | Sanders   |
| Cabaniss  | Drinkard      | Horn     | Smith (B) |
| Campbell  | Ellis         | Langford | Smith (J) |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Amari, Bedford, and Figures for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 451. To amend Section 32-8-61, Code of Alabama 1975, in order to provide that delivery to the Department of Revenue of the existing certificate of title, an application for a certificate of title and the required fee shall be made within twenty days in order for the security interest to be perfected as of the time of its creation.

Committee on Judiciary.

By Senator Cabaniss:

S. 452. To exempt the Birmingham Art Association from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Holmes:

S. 453. To create the Alabama Family Medical Catastrophe Fund; to create the Alabama Family Medical Catastrophe Fund Board to administer said fund; to provide for the said board's composition, powers, duty and authority; to provide for funding; to provide for income tax refund checkoff donations on state income tax forms with the funds earmarked for the Alabama Family Medical Catastrophe Fund; to provide for the creation of the Alabama Family Medical Practice Fund in the state treasury; and to provide that monies in said fund shall not revert to the general fund but shall be encumbered and carried forward into each succeeding state fiscal year.

Committee on Small Business.

By Senator Horn:

S. 454. To reopen the Teachers' and Employees' Retirement Systems of Alabama for nonmembership service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, and to provide that this act shall take effect October 1, 1987, and to provide for its termination on October 1, 1988.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 455. To provide that full-time employees and executive officers of the Alabama Retired Teachers' Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Finance and Taxation.

By Senator Ellis (With Notice and Proof):

S. 456. Relating to Shelby County; authorizing and empowering the county commission to exercise exclusive control over the planning, construction, maintenance, operation, development, extension and management of

the sewer system and sewage treatment facilities and disposal plants in certain areas in the county; excluding such existing facilities and plants operated by certain municipalities from certain provisions of this act and providing that the county commission may exercise discretionary veto authority over any extension of existing municipal sewage and disposal facilities into areas situated outside of the corporate limits of any municipality operating such facilities on the effective date of this act and requiring certain permits relating to certain sewage systems and disposal plants.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 456, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis:

S. 457. To amend sections 16-5-1, 16-5-2, 16-5-3, 16-5-4, 16-5-5, 16-5-6, 16-5-8, 16-5-9, and 16-5-10, Code of Alabama 1975, which establishes the Alabama Commission on Higher Education, so as to provide further for the name, composition, meetings, responsibilities, powers and duties of the commission.

Committee on Education.

By Senator Ellis (With Notice and Proof):

S. 458. Relating to Shelby County. to amend Act 82-693, 1982 2nd Special Session (Acts of Alabama for the 1st, 2nd, 3rd Special Sessions of 1982, p. 144) as amended, so as to remove the requirement that members of the Shelby County Planning Commission shall be a free-holder in the county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 458, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 459. Relating to Jefferson County; to create a public corporation for the purposes of flood control in circumstances affecting urban areas in Jefferson County, to be known as the Jefferson County Flood Control Authority, with its principal office to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment and compensation of directors, their duties, powers, and authority; to authorize the State of Alabama, and counties and municipalities therein, to contract with and to appropriate funds to such Authority and to issue general obligation or revenue bonds or warrants to finance projects; to provide that the debts and obligations of the Authority shall not be the debts or obligations of the State of Alabama, or any county or municipality therein; and to exempt the Authority and its property from state, county, and municipal taxation.

Committee on Local Legislation No. 2.



REGULAR SESSION  
11th Day

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I hereby certify that the notice and proof is attached to the Bill, S. B. 459, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 460. Relating to the City of Birmingham in Jefferson County; to further amend Act No. 1272, 1973 Regular Session, which provides a retirement and relief system for officers and employees of each city of the State of Alabama having a population of 250,000 or more inhabitants according to the last or any succeeding federal census, so as to provide a retirement benefit for officers or employees of such cities who have attained the age of seventy (70) years or more, who have ten (10) or more but fewer than fifteen (15) years of credited service.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 460, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

S. 461. Relating to DeKalb County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 461, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders:

S. 462. To provide further for the compensation of certain professors and instructors at state four-year institutions of higher learning.

Committee on Finance and Taxation.

By Senator Bennett:

S. 463. To insure the safety of presently existing and future dams and reservoirs in this state; to authorize the Alabama Emergency Management Agency to conduct safety inspections of certain dams in this state and to provide for the issuance of certificates of approval for the construction of new dams; to grant additional powers and authority to the Director of the Alabama Emergency Management Agency; to provide for appeals from final determination by the Director; to place certain restrictions upon the regulation

or supervision of any dams or reservoirs by any individual or any county or municipal governing body; and to prescribe criminal and civil penalties.

Committee on Commerce,  
Transportation, and Utilities.

By Senators Drinkard, Bailey, Cabaniss, and Rice:

S. 464. To repeal Code of Alabama 1975, Sections 13A-12-150 through 13A-12-159; to define and prohibit the distribution of obscene material; to provide for the enjoining by the circuit courts of violations of this Act; to provide for the forfeiture of materials and moneys and funds used and obtained in violation of this Act; and to provide for severability and effective dates.

Committee on Judiciary.

By Senator Drinkard:

S. 465. To amend section 35-11-371 of the Code of Alabama 1975 relating to the perfection of a lien for charges for hospital services so as to provide further for perfecting such lien by extending the time for filing and changing the place of filing.

Committee on Judiciary.

By Senator Drinkard:

S. 466. To amend Section 22-21-263, Code of Alabama 1975, relating to new institutional health services subject to review, so as to provide for exemption from certificate of need review for new institutional health services to be used "solely for research"; to provide for notice and time limitation for challenging a facility proceeding with a project "solely for research"; to provide that when a new institutional health service is no longer conducted solely for research, the health care facility shall immediately cease to offer such service; to provide that any new institutional health service acquired, offered, developed, or for which the obligation of a capital expenditure was incurred in this section shall be deemed to be "solely for research" even if patient care is provided on an occasional and irregular basis and not as a part of the research project; and to provide an effective date for this act.

Committee on Health.

By Senator Manley:

S. 467. To amend Section 41-9-41, Code of Alabama 1975, which establishes the Alabama State Council on the Arts and Humanities, so as to change the name of said Council.

Committee on Governmental Affairs.

By Senator Goodwin:

S. 468. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize retired probate judges to solemnize marriages.

Committee on Judiciary.

## RESOLUTION

Senator Smith (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 68. HONORING JAMES R. THOMPSON, JR., DIRECTOR OF THE MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

WHEREAS, in highest privilege and honor, the Legislature of Alabama welcomes James R. (J.R.) Thompson, Jr., director of the Marshall Space Flight Center in Huntsville, Alabama, since September 1986; and

WHEREAS, Mr. Thompson, who assumed that position following three years as deputy director for technical operations at Princeton University's Plasma Physics Lab, previously spent 20 years with NASA at the Marshall Space Flight Center in a number of positions, including director for engineering in the Science and Engineering Directorate and as manager of the Space Shuttle Main Engine Project in the Shuttle Project Office; and

WHEREAS, a native of Greenville, South Carolina, Mr. Thompson holds a bachelor of science degree in aeronautical engineering from the Georgia Institute of Technology, a master of science degree in mechanical engineering from the University of Florida and has completed the required course work at the University of Alabama toward a Ph.D. in fluid mechanics; he also served as a Lieutenant in the United States Navy from 1958 to 1960, whereupon he began his professional career as a development engineer with Pratt and Whitney Aircraft; and

WHEREAS, in recognition of notable contributions to our nation's space program, Mr. Thompson was awarded the NASA Medal for Exceptional Service in 1973 for his work on Skylab; the NASA Medal for Distinguished Service in 1981 for his work on the Space Shuttle main engine; and, in 1982, was conferred with the rank of Meritorious Senior Government Executive by President Reagan; and

WHEREAS, Mr. J. R. Thompson is indeed most eminently qualified to direct the Marshall Center in the continuance of its leading role in America's space program which has been firmly established through such accomplishments as the development of Saturn launch vehicles and lunar roving vehicles for the Apollo program; for Skylab, the first U. S. space station; and for the development of numerous experiments resulting in a wealth of scientific data essential to our conquests in space; and

WHEREAS, currently and in addition to responsibility for a wide variety of NASA projects, the Marshall Center has been given a substantial role in the development of Space Station, a permanently manned space facility proposed by President Reagan to be in orbit in 1996; and

WHEREAS, it is the consensus of this body that Mr. J. R. Thompson and the dedicated employees of Marshall Space Flight Center, in disciplined and determined expertise, are a permanent presence in space exploration and, having built a firm foundation, are prepared to accept the challenges of the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished contributions to America's space program, and in anticipation of a continuing vital role of Marshall Space Flight Center under his leadership, we hereby commend Director James R. Thompson, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 43. Relating to the twenty-second judicial circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary; allowing certain court employees to be present during certain portions of grand jury sessions.

Also:

H. 45. Relating to the twenty-second judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

Also:

H. 331. Relating to Coffee County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

Also:

H. J. R. 165. COMMENDING OPAL ROBINSON OF SPRINGVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

Also:

H. J. R. 166. COMMENDING ADDIE RHODES LEE OF MIDFIELD, "ALABAMA TEACHER OF THE YEAR 1987."

Also:

H. J. R. 167. COMMENDING AND CONGRATULATING COACH NOLAN J. ATKINS AND THE SWEET WATER HIGH SCHOOL BULLDOGS ON THEIR 1986 CLASS 1A FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 169. COMMENDING OUR COLLEAGUE, MARY ZOGHBY, 1986 FIRST LADY OF MOBILE.

Also:

H. J. R. 170. COMMENDING CURTIS ALLEN GARRETT OF MIDFIELD, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 171. DESIGNATING THE WEEK OF MAY 24-30, 1987, AS "HEIFER PROJECT INTERNATIONAL WEEK" IN ALABAMA.

Also:

H. J. R. 172. COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

Also:

H. J. R. 151. COMMENDING JACK PRATT OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 152. COMMENDING THE SAFETY PROGRAM OF THE INSPECTOR DETECTOR ASSOCIATION AND DESIGNATING "INSPECTOR DETECTOR" AS AN OFFICIAL STATE SAFETY MASCOT.

Also:

H. J. R. 154. CONGRATULATING DAVEY ALLISON OF HUEYTOWN, ALABAMA, ON HIS CAPTURE OF THE 18TH ANNUAL WINSTON 500.

Also:

H. J. R. 155. MOURNING THE DEATH OF SANDY BENNETT OF NEWBERN, HALE COUNTY, ALABAMA.

Also:

H. J. R. 156. COMMENDING L. D. BRUCE ON A DISTINGUISHED CAREER WITH THE CHEROKEE COUNTY SCHOOL SYSTEM.

Also:

H. J. R. 157. MOURNING THE DEATH OF THE REVEREND DR. MARION L. NEWMAN OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 164. COMMENDING JULIUS MITCHELL OF PELL CITY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

Also:

H. J. R. 89. MOURNING THE DEATH OF RUSHIA ODESSA BYRUM OF GADSDEN, ALABAMA.

Also:

H. J. R. 90. COMMENDING THE MOBILE COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION.

Also:

H. J. R. 91. MOURNING THE DEATH OF JOHN PALMER OF MOBILE, ALABAMA.

Also:

H. J. R. 92. MOURNING THE DEATH OF RAYMOND L. WOOD OF MOBILE, ALABAMA.

Also:

H. J. R. 111. MEMORIALIZING THE U.S. CONGRESS AND THE DEPARTMENT OF COMMERCE TO STUDY TURTLE EXCLUDER DEVICES WHICH HAVE DETERIMENTAL EFFECTS ON OUR SHRIMPING INDUSTRY.

Also:

H. J. R. 113. MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.

Also:

H. J. R. 114. COMMENDING SUSAN D. PARKER OF HARTSELLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

H. J. R. 115. NAMING THE JACK DUNN ROAD.

Also:

H. J. R. 117. CONGRATULATING AND COMMENDING MR. HENRY WALTERS OF LEGRAND, ALABAMA, ON THE OCCASION OF HIS 73RD BIRTHDAY.

Also:

H. J. R. 118. COMMENDING THE CEDAR PARK/EDGEWOOD OLYMPICS OF THE MIND TEAM.

Also:

H. J. R. 121. COMMENDING EMMETT V. MOSELEY OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 133. COMMENDING J. O. JOHNSON HIGH SCHOOL JAGUARS BOYS BASKETBALL TEAM, 1987 6A STATE CHAMPIONS.

Also:

H. J. R. 150. CONGRATULATING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 60. WELCOMING PRESIDENT RONALD REAGAN TO ALABAMA AND TO THE TUSKEGEE UNIVERSITY CAMPUS.

Also:

H. J. R. 67. COMMENDING SPENCER BACHUS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 68. COMMENDING CHRIS MCNAIR OF BESSEMER, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

Also:

H. J. R. 76. CONGRATULATING COACH JEFF MILWEE AND THE J. B. PENNINGTON HIGH SCHOOL VARSITY ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

Also:

H. J. R. 77. HONORING DR. CORDELL WYNN AS PRESIDENT OF STILLMAN COLLEGE AND FOR OUTSTANDING LEADERSHIP IN TUSCALOOSA COUNTY.

Also:

H. J. R. 84. COMMENDING O. B. EMERSON OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 88. COMMENDING DOROTHY JACKSON OF ETOWAH COUNTY, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORTS OF COMMITTEES**

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 377. To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the parties for investigation services performed in certain cases involving adoption; and to provide that such fees received be deposited to credit of state public welfare trust fund.

By Senator Bedsole:

S. 378. To require the state department of human resources to charge a fee at the rate of \$20.00 per hour to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Goodwin and Hilliard (With Substitute):

S. 147. To provide for the "Alabama Safety Belt Use Act of 1987"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Holmes and Bishop:

S. 107. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase, grant or condemnation, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

By Senators Rice, Parsons, Dial, and Corbett:

S. 375. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for trailers and semitrailers, so as to authorize a five-year registration option for certain of these.

By Senators Barron and Hand:

S. 98. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain water-works systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

By Senators Smith (B), Hale, Barron, and Smith (J):

S. 392. To designate the Huntsville Depot as the Official Railway Museum of Alabama.

By Senator Hand:

S. 350. To amend Sections 37-6-9, 37-6-10 and 37-6-11, Code of Alabama 1975, to permit certain actions to be taken at area meetings of the members of rural electric cooperatives instead of at central annual or special



meetings if the bylaws so provide, prescribes the procedures therefor and requires a central annual meeting for consolidation, merger, dissolution, sale or leasing of more than 10% of cooperative assets or bankruptcy or reorganization.

By Senator Hand:

S. 361. To provide for a Class A misdemeanor punishment for violation of the Alabama Department of Public Safety promulgated rules governing motor carrier safety regulations and hazardous material regulations.

By Senator Dial:

S. 228. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each the University of Alabama and Auburn University; to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for the respective universities; and to provide for an effective date.

By Senator Foshee:

S. 40. To provide for the creation and organization of the state transportation office; to provide for the appointment of a state transportation officer; and to amend Sections 41-17-1, 41-17-2, 41-17-3, 41-17-5, 41-17-7 and 41-17-8, Code of Alabama 1975, relating to state-owned motor vehicles, so as to transfer certain powers and duties in relation to such vehicles from the department of finance to the state transportation office.

By Senator Foshee:

S. 260. To amend Section 37-6-4, Code of Alabama 1975, so as to allow a generating or transmission cooperative to use the word "power" in its name in lieu of the words "electric" or "cooperative" and to delete the requirement that the name of distribution cooperatives contain the word "electric."

By Senator Hand:

S. 197. To prohibit public and private motor vehicle carriers from transporting hazardous material through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide certain misdemeanor and felony penalties for certain violations.

By Senators Dial, Bailey, Bedford, Barron, Denton, Rice, Preuitt, Hand, Foshee, Covington, Holmes, and Ellis:

S. 229. To amend further Section 40-12-240 of the Code of Alabama 1975, relating to motor vehicle licenses, so as to define further the term "private passenger automobile"; to provide for the effective date.

### **BILL RE-REFERRED**

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following Bill, H. B. 194, and ordered same returned to the Senate with the recommendation that it be re-referred to another committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 194, re-referred to the Standing Committee on Education.

**REPORTS OF COMMITTEES RESUMED**

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Goodwin and Foshee:

S. 148. To propose an amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district; to exempt the municipality or county from the provisions of Section 94 of the Constitution with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes; to ratify and approve legislation adopted in furtherance of the powers hereby conferred; and to provide for the adoption hereof.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Campbell:

H. 106. To authorize the Speaker of the House of Representatives to upgrade the employment status of his administrative assistant to confidential assistant and provide for his compensation.

By Senators Goodwin and Foshee:

S. 149. To provide for the redevelopment and revitalization of municipalities and counties in this state and funding the costs thereof through tax increment financing; to authorize the creation of tax increment districts and the adoption of project plans with respect thereto and establish the procedures and requirements therefor; to establish procedures for determining the tax increment and the tax increment base; to permit the amendment of project plans; to provide for allocation of tax increments for such districts to the municipality or county that created the district and for the expiration of such allocations; to provide for the termination of such tax increment districts; to prescribe sources for paying project costs within such districts; to authorize indebtedness to be incurred for such costs, payable from such tax increments, and which may or may not be additionally secured by the full faith and credit of the issuer and other liens or covenants; to permit pay-as-you-go funding of projects; to permit overlapping districts; to provide for calculating the equalized assessment of taxable property within such districts and to permit withholding of tax increments to satisfy prior binding commitments.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Notice and Proof):

S. 324. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

By Senator Sanders:

S. 398. Proposing an amendment to the Constitution of 1901, as amended, relating to Greene County and the qualifications for office of the judge of probate.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders (With Notice and Proof):

S. 399. Relating to Greene County; levying a lodging tax, providing for the collection and distribution of said tax.

By Senator Sanders:

S. 406. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Sumter County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 407. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 409. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Greene County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 410. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Lowndes County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 411. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Wilcox County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Laird (With Notice and Proof):

H. 364. Relating to Randolph County; authorizing the county commission to provide a certain expense allowance for the coroner to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such coroner to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such coroner.

By Rep. Black (With Notice and Proof):

H. 399. Relating to Sumter County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Sumter County legislative delegation.

By Reps. Hill and Knight:

H. 453. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

The above Bill was read a second time at length as required by the Constitution.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Zoghby, Hammett, Clark (J), Fuller, Ford, Carter, Freeman, Wright, Harper, Hettinger, Logan, Laird, Starkey, White (G), Burke, Campbell, Junkins, Gray, Slaughter, and Bugg:

H. 80. To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

By Senator Smith (B):

S. 394. To amend Code of Alabama 1975, Section 5-3A-9; to limit the prohibition against borrowing from a state bank to the superintendent, any assistant superintendent, deputy superintendent and all bank examiners.

By Senator Smith (B):

S. 393. To repeal the provisions of Code of Alabama 1975, Section 5-5A-24.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Covington (With Substitute):

S. 259. To amend Section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama; and to provide certain exceptions.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 440. Providing definitions of terms within the Act; to require a permit to manufacture packaged ice; providing for fees in the administration of this Act; requiring sanitary facilities, operations, and transportation methods and establishing operating standards; establishing duties and responsibilities for the Department of Public Health; establishing duties and responsibilities for ice facility operators; providing for enforcement of the Act and penalties for its violation; prescribing label requirements; and establishing an effective date.

By Reps. Johnson (RG), Carothers, Freeman, Hall, Faulk, Flowers, Drake, and Warren:

H. 171. Relating to the liability of physicians and osteopaths serving on hospital committees; to state the legislative intent; to provide definitions for the terms hospital, physician, health maintenance organization, professional society, hospital medical staff, and committee; to provide that any physician, osteopath or other health care provider serving on any committee of a hospital medical staff, health maintenance organization or professional society and any consultant, attorney, auxiliary personnel or employee of such committee shall not be liable to any person for any damages arising from any claim whatsoever related to or arising out of any action, investigation, report or recommendations made or taken by such committee when such action, investigation, report or recommendation was taken or made by him within the scope of his function as a member of the committee without malice and in good faith in the reasonable belief that such action, investigation, report or recommendation was warranted by the facts known or reasonably established; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

By Senator Menton:

S. 353. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name; to further require certain facilities and physicians to report the required data; to grant the Bureau of Vital Statistics certain rule making powers; and to prescribe penalties.

By Reps. Carothers, Johnson (RG), Hall, Faulk, Flowers, Drake, and Warren:

H. 163. To amend §34-24-360(15), Code of Alabama, 1975 to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary

action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

By Reps. Beasley, Carothers, and Johnson (RG):

H. 189. To further provide for the enforcement of the controlled substances laws in the dental profession and related occupations; to further provide for the investigative powers of the board of dental examiners relating to drug or controlled substances violations; to amend Section 34-9-43, Code of Alabama 1975, as amended, relating to the general powers and duties, so as to provide that the board's investigators shall have the powers of peace officers and arrest relative to the enforcement of the drug and controlled substances laws; to further amend Sections 20-2-90 and 20-2-91, Code of Alabama 1975, as amended, relating to the enforcement of such laws and the inspections of prescriptions, orders, and records therefor, so as to authorize the investigators of the board of dental examiners to execute such powers to effectively investigate drug or controlled substances violations; to further provide for the board's investigators' qualifications; and to exclude such persons from certain allowances.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Drinkard (With Substitute, With Amendments):

S. 302. To authorize the state board of health to designate and require proper reporting of notifiable diseases; to require reporting of designated notifiable diseases by certain persons and to provide for confidentiality of such reports; to provide for quarantine of certain persons afflicted with a notifiable disease; to require disclosure of certain medical records to the state health officer; to empower the state board of health to investigate and suppress notifiable diseases; to provide for penalties for failure to report notifiable diseases; to require obedience to the lawful orders of health officials regarding notifiable diseases; to require reports of active or suspected active cases of tuberculosis; to provide for commitment, after hearing before the probate judge, of recalcitrant persons infected with tuberculosis; to allow for admission to regional contract tuberculosis hospitals of persons with other types of chronic lung diseases; to provide for treatment by the state board of health of persons infected with tuberculosis; to authorize the state board of health to designate and treat sexually transmitted diseases and to require reporting thereof; to require testing for syphilis of all persons seeking a marriage license; to require sexually transmitted disease serologic testing of all pregnant women and require reporting of positive results; to require testing for designated sexually transmitted diseases of all inmates in correctional facilities and jails and require reporting of positive results; to require confinement, after hearing, of persons with designated sexually transmitted diseases; to remove the disabilities of non-age from minors 12 years or older as to treatment for designated sexually transmitted diseases; to require instruction in measures of preventing designated sexually transmitted diseases; to prescribe the penalty for treating designated sexually transmitted diseases without a license as a physician; to prescribe the penalty for transmitting designated sexually transmitted diseases; to provide for confidentiality of designated sexually transmitted disease records; to require all persons to seek and accept treatment for designated notifiable diseases; to require compulsory

testing, treatment and quarantine of persons infected with designated notifiable diseases and who refuse same, after hearing before the probate judge; to prescribe the manner and form of quarantine petitions; to require the probate judge to hear such petitions; to require compulsory attendance at hearings by persons suspected of being infected with designated notifiable disease; to allow for the appointment of attorney and guardian ad litem for persons suspected of having designated notifiable disease; to allow commitment hearings in absentia under certain conditions; to specify the findings that the probate judge must make prior to commitment of persons afflicted with designated notifiable disease; to provide for jurisdiction of probate courts; to provide for payment of fees to court appointed attorneys and guardians ad litem; to provide for appeal from commitment orders; and to allow quarantine of inmates suspected of being infected with designated notifiable disease.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 265. To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, relating to Insurance Company Premium Tax so as to change the dates of premium tax payments by insurers.

By Senator Denton:

S. 66. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1988, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Senator Dial:

S. 224. To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$30,000.00.

By Senators Goodwin, Menton, Foshee, Denton, and Holmes:

S. 252. To provide for the establishment of a working capital fund from which to pay claims against the State Highway Department's self-insurance program (provided for in Section 23-1-41, Code of Alabama 1975, as amended), in the event that the Director of the Highway Department with the approval of the Governor elects to administer this program with Highway Department personnel. Also, to provide procedures for the establishment and operation of said working capital fund.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

S. 235. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Adams and Flowers:

H. 139. To amend Section 36-21-2, Code of Alabama 1975, relating to the subsistence allowance for certain specified law enforcement officers, so as to extend the subsistence allowance provided therein to probation and parole officers of the Alabama board of pardons and paroles, fire marshals of the department of insurance, revenue enforcement officers of the department of revenue, and law enforcement officers of the state capitol police; and to make this act retroactive to January 21, 1987.

By Senator Barron:

S. 275. To amend Section 22-9-8, Code of Alabama 1975, as amended, by adjusting fees for certified copies of Vital Statistics records.

By Senators Hand and Foshee:

S. 301. To amend Section 40-17-224 of the Code of Alabama 1975, relating to use of certain gas tax proceeds for highway purposes, so as to provide further for such use by certain municipalities.

By Senators Barron and Dial:

S. 296. To provide that persons now employed by state junior colleges and Athens State College who were employed by said institutions prior to such time as said institutions became state supported, may purchase credit for up to five years for such service under the Teachers' Retirement System of Alabama.

By Senator Barron:

S. 310. To further amend Section 40-6-1, Code of Alabama 1975, as amended, so as to provide further for the qualifications for appointment as a supernumerary official.

By Senators Rice, Smith (B), Dixon, Campbell, Preuitt, and Bedsole:

S. 396. To amend Section 40-23-61, Code of Alabama 1975, to provide that any over collection of use tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

By Senators Rice, Smith (B), Dixon, Campbell, Preuitt, and Bedsole:

S. 397. To amend Section 40-23-2, Code of Alabama 1975, to provide that any over collection of sales tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

By Senators Smith (B), Hale, Barron, and Smith (J):

S. 417. To amend Section 40-18-14, Code of Alabama 1975, which defines the term "gross income" for state income tax purposes, so as to provide further for said definition.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills



and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Johnson (RG), Beasley, and Haynes:

H. 259. To amend Section 14-3-47 of the Code of Alabama 1975, to expressly allow the commissioner of corrections to train or employ state convicts in camps, posts or stations around the state and to adopt the regulations necessary as determined by the commissioner of corrections.

By Reps. Johnson (RG) and Haynes:

H. 563. To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, (Acts 1985, p. 795) whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 1994; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 1995; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 1994-95 for this additional judgeship position.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Foshee, Menton, Dial, Bennett, Hand, Hale, and Campbell (With Amendment):

S. 293. To amend Section 13A-7-29, Code of Alabama 1975, which provides for the crime of criminal littering, so as to provide further for said offenses and the penalties for violations thereof.

By Senators Cabaniss, Rice, Dial, Barron, Bedford, and Bailey (With Amendment):

S. 12. Proposing an amendment to the Constitution of Alabama of 1901, relative to providing for a reserve in the annual budget of the state general fund and the Alabama special educational trust fund.

The above Bill was read a second time at length as required by the Constitution.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Barron, Bailey, Foshee, Preuit, Dial, Hand, Manley, deGraffenried, Bedsole, Holmes, Dixon, Covington, Menton, Drinkard, Smith (J), Cabaniss, Denton, Smith (B), and Bedford:

S. 285. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide

when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

By Senators Barron, Bailey, Foshee, Preuitt, Dial, Hand, Manley, deGraffenried, Bedsole, Holmes, Dixon, Covington, Menton, Drinkard, Smith (J), Cabaniss, Denton, Smith (B), and Bedford:

S. 286. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or in accordance with, the plans and specifications prepared by an architect or engineer arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; providing a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; providing a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; providing when a cause of action accrues or arises; providing that this act does not apply to causes of action which have accrued prior to its effective date; providing that this act does not create any cause of action against such architects or engineers or builders or any other persons; excluding causes or rights of action against manufacturers of products; extending the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; defining certain terms and repealing all conflicting laws.

By Senators Smith (B), Cabaniss, Hand, Hale, and Manley:

S. 92. To amend §20-2-80, Code of Alabama 1975, to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by §20-2-80, Code of Alabama 1975.

By Senators Smith (B), Cabaniss, Hand, Hale, Manley, and Ellis:

S. 93. To amend Sections 13A-10-31 and 13A-10-32 of the Code of Alabama 1975, relating to the crime of escape, so as to increase the penalty for such crime.

By Senators Smith (B), Cabaniss, Hand, Hale, Manley, and Ellis:

S. 94. To require persons arrested for a felony offense to provide a social security number, a birth certificate, or other proof to verify identity prior to being released.

By Senators Ellis, Cabaniss, Rice, Smith (B), Foshee, Preuitt, Campbell, Denton, and Covington:

S. 121. To establish the offense of criminal enterprise for the purpose of trafficking in illegal drugs; and to prescribe punishment.

By Senators Ellis, Cabaniss, Rice, Smith (B), Foshee, Preuitt, Campbell, Denton, and Covington:

S. 119. To amend §15-19-1, Code of Alabama 1975, to provide that no person shall be eligible for Youthful Offender status for offenses or violations of the provisions of Title 32, Code of Alabama, 1975.

By Senators Ellis, Covington, Smith (B), Bedsole, Smith (J), Hand, Parsons, and Manley:

S. 113. To amend §13A-4-3, Code of Alabama 1975, to upgrade the penalty provisions for criminal conspiracy.

By Senator Ellis:

S. 33. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to provide that certain types of litter shall constitute prima facie evidence of an individual's criminal actions.

By Senator Hand:

S. 266. To amend Section 32-5-192, Code of Alabama 1975, relating to a motor vehicle operator's implied consent to submit to chemical tests to determine blood alcohol content, so as to extend said implied consent to tests for controlled substances; to increase the license suspension period for refusing to submit to a test; and to permit a law enforcement officer to administer said tests in cases of death or serious bodily injury even without a lawful arrest if the officer has probable cause.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Amendment):

S. 70. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 72. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

By Senator Smith (J):

S. 212. To amend Code of Alabama 1975, §13A-6-20, to provide that the driver of a motor vehicle who recklessly causes serious physical injury to another person while under the influence of alcohol and/or a controlled substance commits the crime of assault in the first degree.

By Senator Smith (J):

S. 213. To amend §13(a)-6-2, Code of Alabama 1975, to provide that the driver of a motor vehicle who recklessly causes the death of another person while under the influence of alcohol and/or a controlled substance commits the crime of murder.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial, Amari, Bedord, and Manley (With Substitute):

S. 111. Proposing an amendment to the Constitution of Alabama of 1901, establishing a state attorneys' inquiry commission which shall conduct investigations into complaints concerning state attorneys; creating a court of state attorneys to hear complaints filed by the commission; creating a state attorneys' canon promulgating committee to promulgate canons of ethics; and to repeal any prohibition of retirement for District Attorneys.

The above Bill was read a second time at length as required by the Constitution.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hand (With Amendment):

S. 352. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Adams:

H. 141. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the boards of education; establishes requirements of reporting; and exempts such entities from payment of certain taxes.

By Senator Hand:

S. 351. Proposing an amendment to Article IV, Section 98, Constitution of Alabama, to provide that the legislature shall have the power to provide that elected superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.

The above Bill was read a second time at length as required by the Constitution.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 209. To amend Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, private and parochial schools, the Alabama Institute for Deaf and Blind, Department

of Youth Services School District and all other public institutions of higher learning shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 299. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

The above Bill was read a second time at length as required by the Constitution.

By Senator Denton:

S. 401. To amend Section 2-19-131, Code of Alabama 1975, providing for certification of the official cotton growers' organization to allow said organization to borrow funds for the purpose of eradicating the boll weevil; to amend Section 2-19-135, Code of Alabama 1975, providing procedures to be used when assessments are not paid. To also declare that assessments constitute a lien which the Commissioner of Agriculture and Industries is authorized to collect.

By Senator Preuitt:

S. 316. To amend Act 86-434, Section 1, Code of Alabama 1975, which relates to the authority of the State Department of Education to enter into contracts for periods not greater than three years for the storage of and distribution of the United States Department of Agriculture commodities, so as to provide for contracts to be renegotiated in the second and third year.

By Senator Smith (J):

S. 357. To amend §32-9-2, Code of Alabama 1975, which exempts cotton wagons from general trailer restrictions so as to also exempt module-movers and to increase the width and length of the trailers and module-movers from eight feet wide and 75 feet long to 10 feet wide and 85 feet long.

By Senators Bedsole and Cabaniss:

S. 369. To amend §32-9-26, Code of Alabama 1975, which exempts four-wheel, two-axle trailers with the weight of the trailer and load, not to exceed 10,000 pounds, used in farming from restrictions against use of trailers on the highways so as to allow from two to eight wheels and from one to four axles and a weight limit of not more than 36,000 pounds or no more than 10,000 pounds per axle, whichever is less; to amend §32-9-27, Code of Alabama 1975, which requires those trailers exempted under §32-9-26, Code

of Alabama 1975, to carry reflectors and not be over eight feet in width and 65 feet in length, to allow the trailer to be up to 10 feet in width and no more than 76 feet in length with a one-foot overhang on each side of the trailer allowed for hauling round bales of hay.

By Senator Bailey:

S. 413. To amend Section 2-8-135, Code of Alabama 1975, relating to referendums authorizing an assessment of certain producers for the promotion of nuts, bulbs, fruits and vegetables; so as to authorize the holding of intermediary referendums to alter or modify the terms of an existing assessment.

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bills have been returned to the end of the Regular Order Calendar, to-wit:

By Senators Dixon, Bedsole, Cabaniss, Drinkard, and Bedford:

S. 153. To amend §34-24-367 Code of Alabama 1975, to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds in writing that the order of the Commission temporarily suspending the license was issued without statutory authority was arbitrary or capricious, constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

By Senators Ellis, Dial, Manley, and Hand:

S. 118. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

By Senators Dixon, Cabaniss, and Drinkard:

S. 160. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee;

to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

By Senator Dixon:

S. 162. To further provide for the enforcement of the controlled substances laws in the dental profession and related occupations; to further provide for the investigative powers of the board of dental examiners relating to drug or controlled substances violations; to amend Section 34-9-43, Code of Alabama 1975, as amended, relating to the general powers and duties, so as to provide that the board's investigators shall have the powers of peace officers and arrest relative to the enforcement of the drug and controlled substances laws; to further amend Sections 20-2-90 and 20-2-91, Code of Alabama 1975, as amended, relating to the enforcement of such laws and the inspections of prescriptions, orders, and records therefor, so as to authorize the investigators of the board of dental examiners to execute such powers to effectively investigate drug or controlled substances violations.

By Senators Bailey, Parsons, Corbett, and Smith (J):

S. 176. To amend Sections 25-8-4, 25-8-8, and 25-8-16, Code of Alabama 1975, so as to bring Alabama's Child Labor statutes into agreement with existing Federal regulations pertaining to working hours of children under age sixteen and establishes additional specific working hours for certain children enrolled in school and also provides for exemptions to established work hours.

By Senator Bailey:

S. 179. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance

programs for the purpose of providing risk management alternatives for the boards of education.

By Senators Holmes and Bishop:

S. 108. To make a supplemental appropriation from the Airport Development Fund to the Department of Aeronautics for the fiscal year ending September 30, 1987.

By Senators Dial, Manley, Rice, Hand, Foshee, Barron, Hale, Covington, Campbell, Ellis, Dixon, Preuitt, Bailey, Smith (B), Drinkard, and Amari:

S. 112. To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

By Senator Langford:

S. 42. To amend Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which sections relate to recordation taxes levied upon deeds, bills of sale, mortgages or other instruments conveying any interest in real or personal property, so as to exempt the re-recording of such instruments executed in order to correct errors in such instruments, specifically, but not limited to, the correction of maturity dates of such instruments, for the purpose of perfecting the title to real or personal property.

By Senator Bedsole:

S. 45. To amend Section 9-11-54, Code of Alabama 1975, which provides for special fishing licenses for totally disabled persons, so as to provide further for said licenses and to provide for special hunting licenses for totally disabled persons.

By Senator Bedsole:

S. 46. To establish an official state nongame wildlife print or wildlife stamp; to provide for funding of the program establishing the print or stamp and to provide that the program shall be administered by the Department of Conservation and Natural Resources.

By Senator Bedsole:

S. 48. To amend Section 41-9-410, Code of Alabama 1975, which provides for the composition and appointment of members of the Continuing Women's Commission, so as to provide further for the appointments of the president pro tem of the senate.

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Senators Bennett, Dial, Horn, Amari, Cabaniss, Figures, Campbell, Goodwin, Bailey, and Hand:

S. 131. To amend Section 16-10-1, Code of Alabama 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.



**MOTION IN WRITING**

Senator Covington offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 365, on page 43 of the 11th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 365, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 69. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the eleventh legislative day of the 1987 Regular Session only:

| Inst Id                                                                                                                                                                                          | Page |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| S. 100                                                                                                                                                                                           | 30   |
| Teachers retirement system, allows member to retire upon 25 years of creditable service, Sec. 16-25-14(A) amended                                                                                |      |
| S. 69                                                                                                                                                                                            | 31   |
| Solid waste collection and disposal, counties and municipalities authorized to further regulate by rules and regulations, assess and file liens in case of default, Secs. 22-27-3, 22-27-6 am'd. |      |
| S. 61                                                                                                                                                                                            | 7    |
| Nighttime search warrants, conditions of issuance reg., Secs. 15-5-8 and 15-5-12 repealed                                                                                                        |      |
| S. 133                                                                                                                                                                                           | 21   |
| The Drug Predator Control Act of 1987 created; Crime of criminal solicitation to commit controlled sub. crime, attempt or conspiracy defined                                                     |      |
| S. 112                                                                                                                                                                                           | 48   |
| Alabama Water Pollution Authority, estab., organization and operation                                                                                                                            |      |
| S. 204                                                                                                                                                                                           | 6    |
| Sickle cell anemia, testing req., Sec. 22-20-3 am'd.                                                                                                                                             |      |
| S. 71                                                                                                                                                                                            | 14   |
| State employee beneficiary entitled to payment for one-half unused sick leave upon death of employee                                                                                             |      |

|                                                                                                                                                         |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 97                                                                                                                                                   | 22 |
| Real estate transactions, contracts stating no implied warrants as applicable deemed valid, retroactive effect                                          |    |
| S. 125                                                                                                                                                  | 20 |
| Drugs unlawfully sold, excise tax imposed, Section 40-23-2, and 40-23-35, amended                                                                       |    |
| S. 19                                                                                                                                                   | 42 |
| Hunter orange req. to be worn by deer hunters                                                                                                           |    |
| S. 209                                                                                                                                                  | 9  |
| Assault with intent to prevent peace officers from duty that causes physical injury to any person is a Class C felony, Sec. 13A-6-21 and 13A-6-22 am'd. |    |
| S. 365                                                                                                                                                  | 43 |
| Notaries public, surety bonds increased                                                                                                                 |    |
| S. 145                                                                                                                                                  | 18 |
| Educational fiscal yr., dates alt., Secs. 16-1-1, 16-13-145 am'd.                                                                                       |    |
| S. 144                                                                                                                                                  | 19 |
| Tax exemptions, gas and oil from excise tax purchased by certain educ. organizations, Secs. 40-17-31 and 40-17-171 amended                              |    |
| S. 345                                                                                                                                                  | 40 |
| Liquefied Petroleum Gas Board, law enforcement officers employed by, subsistence allowance, Section 36-21-2 amended                                     |    |
| S. 118                                                                                                                                                  | 44 |
| County bds. of ed., may provide for single memb. dists., Sec. 16-8-1 am'd.                                                                              |    |
| S. 179                                                                                                                                                  | 47 |
| Education, Boards of, auth. to estab. self-funded insurance programs                                                                                    |    |
| S. 178                                                                                                                                                  | 17 |
| Retirement Systems, restoration of previous service credit reg., Sec. 16-25-11, 36-27-11 am'd.                                                          |    |
| S. 290                                                                                                                                                  | 39 |
| State employees, non-monetary awards auth. in lieu of longevity pay, Sec. 36-6-1 am'd.                                                                  |    |
| S. 52                                                                                                                                                   | 13 |
| Municipalities, authorized to adopt ordinance providing governing body members may be elected by district, procedure                                    |    |

REGULAR SESSION  
11th Day

545

S. 27 33

Hunting, hours alt.

S. 319 36

Worthless checks, finance charge, alt., Sec. 12-17-224

S. 155 32

Contract Review Permanent Legislative Oversight Committee,  
auth. further provided, Sec. 29-2-41 am'd.

S. 130 32

Ad valorem taxes, errors made in assessment, computations,  
calculations, collections of such taxes, corrections authorized  
for tax officials

S. 43 12

Public Employees' Individual Retirement Account Fund, cert.  
st. and local public officers and employees auth. to contribute  
to fund, Secs. 36-27A-1, 36-27A-5 am'd.

S. 161 11

Persons convicted of DUI req. to complete a ct. referral program  
approved by Administrative Office of Cts., Sec. 32-54-191 am'd.

S. 126 11

Burglary of homes, penalties incr., Secs. 13A-7-5, 13A-7-6 am'd.

S. 141 7

Mortgages further provided for so as to permit execution of  
deed in lieu of foreclosure, rights of parties

S. 136 2

Medicaid agency, contracts, time extended, Sec. 22-6-7 am'd.

S. 198 20

Superintendent of Education, State, authorized to delay taking  
school census until 1998, Section 16-4-15 amended

S. 203 34

Timber Theft Equipment Condemnation Act, estab., penalties

S. 108 48

Aeronautics Department, appropriations

S. 42 49

Mortgage recording tax, exempt re-recording for correction of  
errors, Secs. 40-22-1, 40-22-2 am'd.

|                                                                                                                                                                                                |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 45                                                                                                                                                                                          | 49 |
| Hunting licenses for disabled provided, fishing licenses alt., Sec. 9-11-54 am'd.                                                                                                              |    |
| S. 46                                                                                                                                                                                          | 50 |
| State wildlife print and stamp, auth., Conservation and Natural Resources to administer                                                                                                        |    |
| S. 53                                                                                                                                                                                          | 13 |
| Municipalities having mayor-council form of government, election duties and procedure, Secs. 11-46-21, 11-46-22, 11-46-24, 11-46-25, 11-46-26, 11-46-27, 11-46-40, 11-46-51, and 11-43-2 am'd. |    |
| S. 73                                                                                                                                                                                          | 36 |
| Teacher units further provided for, number of students in state funded classrooms in public schools                                                                                            |    |
| S. 75                                                                                                                                                                                          | 10 |
| Trafficking in illegal drugs, class A felony, sections 20-2-80 and 20-2-81 amended                                                                                                             |    |
| S. 81                                                                                                                                                                                          | 20 |
| Controlled Substances Act, incorporates in criminal code, creates classes of punishment, sections 20-2-71, 20-2-72, 20-2-73, 20-2-74, amended, sections 20-2-70, 20-2-76, 20-2-77 repealed     |    |
| On motion of Senator Smith (J), further consideration of the Resolution, S. R. 69, was postponed temporarily.                                                                                  |    |

### COMMITTEE REPORT FILED

Pursuant to the provisions of Act 1218, 1975, the report of the Joint Highway Committee for the fiscal year 1986 was read and ordered filed with the Secretary.

### FURTHER CONSIDERATION OF S. R. 69

The Senate proceeded to further consideration of the Resolution, S. R. 69.

And on motion of Senator Smith (J), said Resolution was adopted by the Senate.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be

made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

as amended, which said amendment is set out in the Journal of the Senate for the Tenth Legislative Day.

Senator Cabaniss offered the following amendment to the Bill, S. B. 88, as amended, to-wit:

#### AMENDMENT TO S. B. 88

On page 1, lines 11 through 13, delete the language "make such commissioner an elected officer of the state and provides" and insert in lieu thereof:

provide further for the appointment of the commissioner and

On page 2, lines 5 through 6, delete the language "make such commissioner an elected officer of the state" and insert in lieu thereof:

provide further for the appointment of the commissioner

On page 3, lines 13 through 28, delete the following language:

"§27-2-2.

~~"(a) A commissioner of insurance shall be chief executive officer of the department. The commissioner shall be elected on the first Tuesday after the first Monday in November 1988, and every fourth year thereafter, in accordance with the laws of this state appointed by the governor. He shall serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.~~

~~“(b) The commissioner shall be selected with special reference to his training, experience and capacity. He shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated.”~~

and insert in lieu thereof the following:

“§27-2-2.

“(a) A commissioner of insurance shall be chief executive officer of the department. The commissioner shall be appointed by the governor from a list of three names submitted by the commissioner advisory board. The board shall be composed of three members: the chief justice, the lieutenant governor and the speaker of the house of representatives. The board shall submit three names to the governor with special reference to training, experience and capacity. The governor may reject the names submitted by the board and upon rejection, the board shall continue submitting names of qualified individuals until appointment is made. He The commissioner shall serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.

“(b) The commissioner shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated.”

On motion of Senator Bishop, further consideration of the Bill, S. B. 88, as amended, and pending amendment was postponed until the Thirteenth Legislative Day as Unfinished Business.

### BUDGET ISOLATION RESOLUTION

Senator Drinkard, B.I.R., S. B. 100, adopted.

Yeas 21; Nays 3.

Yeas:

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Denton   | Hand     | Menton    |
| Bailey        | Dial     | Hilliard | Preuitt   |
| Bedsole       | Dixon    | Holmes   | Rice      |
| Bishop        | Drinkard | Horn     | Smith (B) |
| Cabaniss      | Ellis    | Manley   | Smith (J) |
| deGraffenried | Hale     |          |           |

—21

Nays:

|           |         |         |         |
|-----------|---------|---------|---------|
| Senators: | Corbett | Goodwin | Parsons |
|-----------|---------|---------|---------|

—3

### SPECIAL ORDER

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 100. To amend §16-25-14(a) Code of Alabama 1975 to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed

for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

Senator Drinkard offered the following substitute for the Bill, S. B. 100, to-wit:

**SUBSTITUTE FOR S. B. 100**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend §§16-25-14(a) and 36-27-16(a), Code of Alabama 1975, to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system or the employees' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. §16-25-14(a) of the Code of Alabama 1975 is hereby amended to read as follows:

“(a) (1) Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service.

“(2) Any member who has attained age 60 and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed at the time for his withdrawal from service the requirements established by the board of control for eligibility for deferred benefits pursuant to section 16-25-3.

“(3) Any teacher in service who has attained age 70 shall be retired or shall withdraw from service forthwith; provided, that with the approval of his employer he may remain in service until the end of the then current school year which shall be no later than June 30 following the date on which he attains age 70; provided further that any teacher may be continued in service from year to year on his application, approved by his employer, if evidence of physical and mental fitness is furnished.

“(4) Any person who is presently covered or is eligible to be covered under the employees' retirement system of Alabama or the teachers' retirement system of Alabama and who, prior to such coverage or eligibility for coverage, served as head of any Alabama county's public library service department shall have credited to him or her one year of creditable service for each year served as such head, not to exceed 12 years; provided, that such person shall pay into the retirement system the employee's part of the cost or contribution based on the salary paid to such person during the time of his or her service

in the above capacity, with such cost or contribution to be calculated at the percent or rate in effect on October 1, 1973.

“(5) Any member of the teachers’ retirement system of Alabama, who withdraws from service after the completion of at least 30 years of creditable service, may retire upon written application to the board of control of the teachers’ retirement system setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963 shall have completed 10 or more years of creditable service.

“(6) Notwithstanding the provisions of this section to the contrary, any member who withdraws from service upon or after attainment of twenty-five years of creditable service, may retire upon written application to the board of control of the teachers’ retirement system setting forth at what time not less than 30 nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired provided that any member electing retirement pursuant to this subsection shall at his option receive either a reduction in benefits equal to five-ninths of one percent for each month that his date of retirement precedes his sixtieth birthday or for each month less than thirty years of creditable service attained by such retiring member, whichever is less; or in lieu of receiving a reduced benefit such member may choose a deferred benefit without reduction provided such member shall not be eligible for benefits until a time has expired since his separation from service equal to the lesser of the number of months his separation from service precedes his sixtieth birthday or the number of months that his creditable service at the time of separation from service is less than 30 years.”

Section 2. Section 36-27-16(a) of the Code of Alabama 1975 is hereby amended to read as follows:

“(a)(1) Retirement, etc., of employees generally; eligibility for service retirement benefits.

“a. Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service; provided further, that a member employed as a state policeman shall be eligible to file application of service retirement upon attaining age 52.

“b. Any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, said member shall have at the time of his withdrawal from service completed the age and service requirements established by the board of control for eligibility for deferred benefits; provided, that such minimum number of years of creditable service shall not be less than 10 years nor more than 25 years.

“c. Any employee who attains age 70 shall be retired or shall withdraw from service forthwith; except, that any employee may be continued in the state service from year to year on his application, approved by the personnel



board, if evidence of physical and mental fitness is furnished; provided further, that any official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any officer or employee of the legislature who has attained age 70 shall not be compelled to retire at age 70, but may continue in service until his retirement is ordered by the house of which he is an officer or employee and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this chapter shall require the dismissal of any person 70 years old or over who fails to join the retirement system within the time specified in this article if such person was in the employ of the state on June 1, 1945.

"d. Notwithstanding the provisions of this section to the contrary, any law-enforcement employee in the department of conservation who has attained age 65 shall be retired forthwith.

"e. Notwithstanding the provisions of this section to the contrary, any state policeman who has attained age 60 shall be retired forthwith; provided, that any state policeman who attains age 60 may be continued in the state service from year to year on application of said employee, approved by the personnel board, if evidence of physical or mental fitness to carry out his duties is furnished.

"f. Notwithstanding the provisions of this section to the contrary any member who withdraws from service upon or after attainment of 25 years of creditable service, may retire upon written application to the board of control setting forth at what time not less than 30 nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired, provided that any member electing to retire pursuant to such provisions shall at his option receive either a reduction in benefits equal to five-ninths of one percent for each month that his date of retirement precedes his sixtieth birthday or for each month less than thirty years of creditable service attained by such retiring member, which ever is less; or in lieu of receiving a reduced benefit such member may choose a deferred benefit without reduction provided such member shall not be eligible for benefits until a time has expired since his separation from service equal to the lesser of the number of months his separation from service precedes his sixtieth birthday or the number of months that his creditable service at the time of separation from service is less than thirty years."

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Denton   | Hand     | Parsons   |
| Bailey        | Dial     | Holmes   | Preuitt   |
| Bennett       | Dixon    | Horn     | Rice      |
| Cabaniss      | Drinkard | Langford | Sanders   |
| Campbell      | Ellis    | Manley   | Smith (B) |
| Corbett       | Goodwin  | Menton   | Smith (J) |
| deGraffenried | Hale     |          |           |

—25

Nays:

And said Bill, S. B. 100, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Parsons   |     |
| Bailey    | Denton        | Hilliard | Preuitt   |     |
| Barron    | Dial          | Holmes   | Rice      |     |
| Bedsole   | Dixon         | Langford | Sanders   |     |
| Bennett   | Drinkard      | Manley   | Smith (B) |     |
| Cabaniss  | Ellis         | Menton   | Smith (J) |     |
| Campbell  | Goodwin       |          |           | —25 |

*Nays:*

—0

### BUDGET ISOLATION RESOLUTION

Senator Denton moved that B. I. R., S. B. 69, be adopted.

On motion of Senator Smith (J), further consideration of the B. I. R., S. B. 69, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Menton, B. I. R., S. B. 61, adopted.

Yeas 19; Nays 4.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Hale   | Menton    |     |
| Bailey    | Dial          | Hand   | Preuitt   |     |
| Bedsole   | Dixon         | Holmes | Rice      |     |
| Bennett   | Ellis         | Horn   | Smith (B) |     |
| Cabaniss  | Foshee        | Manley | Smith (J) | —19 |

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Goodwin | Parsons | Sanders |    |
| Corbett   |         |         |         | —4 |

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 61. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

was taken up.

Senator Manley offered the following amendment to the Bill, S. B. 61, to-wit:

#### AMENDMENT TO S. B. 61

Amend Senate Bill 61 Page One (1), Line 30, by striking out the period after the word specified and adding the following:

“And if said search warrant is not executed within ten (10) days from the date of its issuance it shall be void.”

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Dixon    | Hilliard | Preuitt   |
| Bedsole       | Drinkard | Holmes   | Rice      |
| Bennett       | Foshee   | Langford | Sanders   |
| Cabaniss      | Goodwin  | Manley   | Smith (B) |
| deGraffenried | Hale     | Menton   | Smith (J) |
| Dial          | Hand     | Parsons  |           |

—22

*Nays:* —0

Senator Parsons offered the following amendment to the Bill, S. B. 61, as amended, to-wit:

**AMENDMENT TO S. B. 61, AS AMENDED**

Amend Senate Bill 61 Page 1, Line 26, by inserting after the word constable, the words "or state trooper"

On motion of Senator Menton, said amendment was laid on the table.

Yeas 17; Nays 5.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Goodwin  | Langford  |
| Barron    | Dixon         | Hale     | Menton    |
| Cabaniss  | Drinkard      | Hand     | Smith (B) |
| Campbell  | Ellis         | Hilliard | Smith (J) |
| Covington | Foshee        |          |           |

—17

*Nays:*

|           |         |      |         |
|-----------|---------|------|---------|
| Senators: | Bennett | Rice | Sanders |
| Bailey    | Parsons |      |         |

—5

On motion of Senator Menton, further consideration of the Bill, S. B. 61, as amended, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Hilliard, B. I. R., S. B. 133, adopted.

Yeas 24; Nays 3.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hale     | Menton    |
| Bailey    | Denton        | Hilliard | Preuitt   |
| Barron    | Dial          | Holmes   | Rice      |
| Bedsole   | Dixon         | Horn     | Sanders   |
| Bennett   | Ellis         | Langford | Smith (B) |
| Cabaniss  | Foshee        | Manley   | Smith (J) |
| Campbell  |               |          |           |

—24

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Goodwin | Parsons | —3 |
|-----------|---------|---------|---------|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 133. To define, specify principles of liability and defenses for, and prescribe the punishment for the crimes of: criminal solicitation to commit a controlled substance crime, attempt to commit a controlled substance crime, and criminal conspiracy to commit a controlled substance crime; to provide that criminal solicitation, attempt, and criminal conspiracy to commit a controlled substance crime are included offenses in any controlled substance crime that is charged; to specify the conduct to which this act applies; to repeal any conflicting laws; to provide for severability; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Goodwin  | Manley    |     |
| Bailey    | deGraffenried | Hale     | Preuitt   |     |
| Barron    | Denton        | Hilliard | Rice      |     |
| Bedsole   | Dial          | Holmes   | Sanders   |     |
| Bennett   | Dixon         | Horn     | Smith (B) |     |
| Cabaniss  | Ellis         | Langford | Smith (J) | —23 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dial, B. I. R., S. B. 112, adopted.

Yeas 20; Nays 3.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Ellis    | Langford  |     |
| Bailey    | deGraffenried | Hand     | Manley    |     |
| Barron    | Denton        | Hilliard | Preuitt   |     |
| Bedsole   | Dial          | Holmes   | Rice      |     |
| Bennett   | Dixon         | Horn     | Smith (B) |     |
| Cabaniss  |               |          |           | —20 |

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Goodwin | Parsons | —3 |
|-----------|---------|---------|---------|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 112. To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to

establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities. was taken up.

The Standing Committee on Commerce, Transportation, and Utilities, reported the following substitute for the Bill, S. B. 112, to-wit:

**SUBSTITUTE FOR S. B. 112**

**A BILL  
TO BE ENTITLED  
AN ACT**

To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The following words and phrases, whenever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The corporation organized pursuant to the provisions of this act as a public corporation, agency and instrumentality of the state and known as the "Alabama water pollution control authority."

(2) **AUTHORIZING RESOLUTION.** A resolution or order adopted by the board of directors of the authority authorizing the issuance of bonds by the authority pursuant to this act or by a public body.

(3) **BOARD OF DIRECTORS.** The board of directors of the Alabama water pollution control authority.

(4) **BONDS.** The "water pollution control bonds," notes or obligations or other evidence of indebtedness issued by the authority under the provisions of this act.

(5) **BOND PROCEEDS.** The direct proceeds of sale of bonds or notes, and the income derived from the investment of such proceeds.

(6) **DEPARTMENT.** The department of environmental management or any successor.

(7) **FEDERAL CLEAN WATER ACT.** The act of congress so designated (P. L. 92-500) approved October 18, 1972 (33 U.S.C. 1251 et seq.), as amended from time to time.

(8) **PROJECT.** The wastewater treatment facilities of a public body to consist of one or more treatment facilities designed to prevent the discharge of untreated or inadequately treated sewage, industrial wastes or other wastes, for purposes of compliance with requirements of the Federal Clean Water Act.

(9) **PUBLIC BODY.** Includes each county, incorporated city or town, or their instrumentality created by or pursuant to state law and having

jurisdiction over the disposal of sewage, industrial wastes, or other wastes. It includes also a combination of two or more of the foregoing having such jurisdiction.

Section 2. It is the intent of the legislature by the passage of this act to enable the state acting by and through the authority and the department to aid in the prevention and control of water pollution, to provide state financial aid to public bodies for the prevention and control of water pollution, and to these ends to authorize the incorporation of a state authority with power to issue water pollution control bonds; and to agree to pay and to pay such portion of the estimated reasonable cost of the projects of each public body as may be required to meet the water quality goals of the Federal Clean Water Act, as amended.

Section 3. (a) There is hereby established the "water pollution control revolving loan fund," which shall be maintained in perpetuity and operated by the department as agent for the authority for the purposes stated herein. Grants from the federal government or its agencies allotted to the state for capitalization of the revolving loan fund, state matching funds where required, and loan principal, interest, and penalties shall be deposited as required by the terms of the federal grant directly in the revolving loan fund. Money in the revolving loan fund shall be expended in a manner consistent with terms and conditions of the federal capitalization grants and may be used to provide loans for the construction or rehabilitation of public wastewater treatment facilities; to secure principal and interest on bonds issued by the authority if the proceeds of such bonds are deposited in the revolving loan fund to the extent provided in the terms of the federal grant; to purchase debt incurred by public bodies for wastewater treatment projects; to fund other programs which the federal government may allow in the future through its grants; to fund the administrative expenses of the department relating to the responsibilities and requirements of this act; and to provide for any other expenditure consistent with the federal grant program and state law. Money not currently needed for the operation of the revolving loan fund or otherwise dedicated may be invested and all interest earned on such investments shall be credited to the revolving loan fund.

(b) The revolving loan fund shall be administered by the department, as agent for the authority, which is authorized to establish procedures and adopt such regulations as may be required to administer the revolving loan fund program in accordance with the Federal Clean Water Act and state law and to enter into contracts and other agreements in connection with the operation of the revolving loan fund, including but not limited to, contracts and agreements with federal agencies, public bodies, the authority, and other parties to the extent necessary or convenient for the implementation of the revolving loan fund program. Acting as agent for the authority, the department shall maintain full authority for the operation of the revolving loan fund in accordance with applicable federal and state law and loan recipients will be on the state needs list or otherwise satisfy Clean Water Act requirements. The department shall provide an annual report on the revolving loan fund program to the United States environmental protection agency as required by the Clean Water Act and to the governor.

Section 4. The governor, the lieutenant governor, the speaker of the house of representatives, the director of the department of environmental management, and the director of finance may become a public corporation to be known as the Alabama water pollution control authority with the power and authority hereinafter provided, by proceeding according to the provisions of this act.

Section 5. (a) To become a corporation, the governor, the lieutenant governor, the speaker of the house, the director of the department and the director of finance shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be the "Alabama water pollution control authority";

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or any other laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The secretary of state shall examine the application; and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

(b) The applicants named in the application and their respective successors in office shall constitute the members of the authority. The governor shall be the president of the authority, the director of the department shall be the vice-president thereof and the director of finance shall be the secretary thereof. The members of the authority shall constitute all the members of the board of directors of the authority, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reasons of death, resignation, expiration of his term of office or for any other reason, then his successor in office shall take his place as a member, officer or director of the authority. No member, officer or director of the authority shall draw any salary, in addition to that now authorized by law, for any service he may render or for any duty he may perform in connection with the authority.

(c) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority, shall be signed by at least three members of the authority and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. (a) The authority shall have the following powers, among others specified by this act:

(1) To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid;

(2) To sue and be sued and to prosecute and defend, at law and in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To have and to use a corporate seal and to alter such seal at pleasure;

(4) To establish a fiscal year;

(5) To acquire in any manner and to hold title to or leasehold interests in real and personal property and to sell, convey or lease the same for purpose of carrying out its functions and duties hereunder;

(6) To construct and operate or lease to or from any public body and project;

(7) To execute agreements effectively obligating the authority to agree to pay and to pay such portion of the estimated reasonable cost of the project of each public body as may be required to meet the water quality goals of the Clean Water Act and the state;

(8) To issue bonds or other obligations provided such proceeds are deposited in the revolving loan fund;

(9) To enter into such agreements in connection with the sale of its bonds as the board shall determine, including arrangements for letters of credit, bond insurance or other credit enhancement devices, provided that no such arrangement shall obligate funds of the authority other than as provided in this act; and

(10) To appoint and employ such attorneys, financial advisors, agents and employees as the business of the authority may require.

(b) The authority shall use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards.

(c) The governor shall deliver an annual report of the authority to the legislature.

Section 7. For the purpose of providing funds for the authority to make loans to public bodies for a project or projects, or for the payment of obligations incurred or temporary loans made for any of said purposes, the authority is hereby authorized, from time to time, to issue and sell its bonds or other evidences of indebtedness. Such bonds may be issued in one or more series; shall be in such form and denominations and of such terms and maturities, not exceeding 25 years from the date of issue of each series; shall bear such rate or rates of interest, payable and evidenced in such manner; may contain such provisions for registration or for redemption prior to maturity; and may contain such other provisions not inconsistent herewith, all as may be provided by the authorizing resolution. As security for the payment of the principal of and interest on its bonds, the authority is authorized to pledge, transfer and assign any obligations of each public body, payable to the authority and the security for such obligation.

Section 8. The bonds and other evidences of indebtedness of the authority may be sold at such time or times as the board of directors may



deem advantageous. The bonds may be sold at private or public sale. Bonds sold at public sale shall be awarded to the bidder whose bid reflects the lowest net interest cost to the authority for the bonds being sold, computed to their respective absolute maturities; provided, that if no bid acceptable to the authority is received, it may reject all bids and readvertise. Notice of any public sale shall be given by such publication or by such distribution of notices of sale or both, as the board of directors may determine subject to state law. The authority may pay from the proceeds of the sale of its bonds all expenses, including publication and printing charges, attorney's fees, financial advisory fees, and other expenses which the board of directors may deem necessary or advantageous in connection with the authorization, advertisement, sale, execution and issuance thereof.

Section 9. In anticipation of the issuance of bonds, the authority may borrow such sums as may be needed for any of the aforesaid purposes and to obligate itself by certificate or promissory note, bearing interest at a rate or rates to be specified by the authority, and maturing within 18 months from the date of such certificate or promissory note. Such certificates or promissory notes shall be payable solely from the proceeds of the bonds of the authority and from the funds from which such bonds are payable. In the event that authority funds are not available for a loan for a project when application is made, in order to accelerate the completion of any project, the public body may, with the approval of the authority, obligate such public body to provide local funds to pay that portion of the cost of the project which the authority will make available by loan, and the authority shall refund the amount expended on its behalf by such public body.

Section 10. The authority may from time to time issue and sell its refunding bonds for the purpose of refunding any matured or unmatured bonds of the authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. The holders of such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 11. (a) In order to provide for the funding of the loan by the authority for a project to the public body, such public body shall establish a dedicated source of revenue to repay the monies received from the authority and to provide for operation, maintenance and equipment replacement expenses. Such public body is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

(1) To obligate itself to pay to the authority at periodic intervals a sum sufficient to provide bond debt service with respect to the bonds of the authority issued to fund the loan for such project and to pay over such debt service to the account of the project for deposit to the revolving loan fund;

(2) To levy, collect and pay over to the authority and to obligate itself to continue to levy, collect and pay over to the authority the proceeds of any one or more of the following:

- a. Any sewer or waste disposal service fee or charge;
- b. Any licenses, permits, taxes and fees;
- c. Any special assessment on the property drained, served or benefitted by the project; and
- d. Other revenue available to the public body.

(3) To undertake and obligate itself to pay its contractual obligation to the authority solely from the proceeds from any one or more of the sources specified in subdivision (2) above, or to impose upon itself a general obligation pledge to the authority additionally secured by a pledge of any one or more of such sources;

(4) To obligate itself to continue to levy and collect such revenues, fees and charges as shall equal not less than 110 percent nor more than 125 percent, as determined by the authority of the maximum principal and interest maturing and coming due in any one year on the bonds issued by the authority to fund a loan for the project; and

(5) To enter into such agreements, to perform such acts and to delegate such functions and duties as its governing body shall determine to be necessary or desirable to enable the authority to fund a loan to the public body to aid it in the construction or acquisition of a project.

(b) In the event of default, the authority may utilize all available remedies under state law.

(c) All loans made by the authority shall provide that repayment of such loans shall begin not later than one year after completion of construction of the project for which such loan was made and shall be repaid in full no later than 20 years after completion of such construction.

(d) The recipients of loans shall maintain project accounts in accordance with generally accepted government accounting standards.

Section 12. The state treasurer may invest any idle or surplus moneys of the state in bonds of the authority. The governing body of any county or municipality is authorized in its discretion to invest any idle or surplus money held in its treasury in bonds of the authority. Such bonds shall be legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 15. All bonds or other indebtedness of the authority and the coupons applicable thereto and the income therefrom and all projects or parts thereof and all assets of the authority shall be forever exempt from any and all taxation in the state.

Section 16. All securities issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of chapter 8 of Title 8, Code of Alabama 1975.

Section 17. This act is intended to aid the state through the furtherance of its purposes by providing an appropriate and independent instrumentality of the state with full and adequate powers to fulfill its functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of the authority, the purchase of any loans or the making of any loan to a public body, the issuance of any bonds, or the exercise of any other of its powers by the authority.

Section 18. All bonds issued by the authority, while registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the

authority, while the applicable bonds are registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 19. All bonds, notes and certificates issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the revenues, income, fees or charges which may pursuant to the provisions of this act, be pledged to the payment thereof, and no such bonds, notes or certificates shall create an obligation or debt of the state. Provided, however, that an agreement by the authority to make a loan to a public body for a project shall impose an obligation on the state to make such loan from any funds which are then or may thereafter become available regardless of the funding of the loan by the public body and subject only to any terms and conditions set forth in such agreement.

Section 20. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this act are hereby repealed.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Hale     | Menton    |
| Bailey    | deGraffenried | Hand     | Parsons   |
| Barron    | Denton        | Hilliard | Preuitt   |
| Bedsole   | Dial          | Holmes   | Rice      |
| Bennett   | Dixon         | Langford | Smith (B) |
| Cabaniss  | Ellis         | Manley   | Smith (J) |
| Corbett   | Goodwin       |          |           |

—25

Nays: —0

Senator Bennett offered the following amendment to the Bill, S. B. 112, as amended by the substitute, to-wit:

**AMENDMENT TO S. B. 112, AS AMENDED**

Amend Senate Bill No. 112, Page 2, Line 28, by inserting after the word county, add , state agency,

Which was adopted.

Yeas 27; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Goodwin  | Manley    |
| Bailey    | Covington     | Hale     | Menton    |
| Barron    | deGraffenried | Hand     | Parsons   |
| Bedsole   | Denton        | Hilliard | Preuitt   |
| Bennett   | Dial          | Holmes   | Rice      |
| Cabaniss  | Dixon         | Horn     | Smith (B) |
| Campbell  | Ellis         | Langford | Smith (J) |

—27

Nays: —0

And said Bill, S. B. 112, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Goodwin  | Manley    |     |
| Bailey    | deGraffenried | Hale     | Parsons   |     |
| Barron    | Denton        | Hand     | Preuitt   |     |
| Bedsole   | Dial          | Hilliard | Rice      |     |
| Bennett   | Dixon         | Holmes   | Sanders   |     |
| Cabaniss  | Ellis         | Horn     | Smith (B) |     |
| Campbell  | Foshee        | Langford | Smith (J) |     |
| Corbett   |               |          |           | —28 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 204, adopted.

Yeas 24; Nays 3.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Manley    |     |
| Bailey    | Denton        | Hand     | Preuitt   |     |
| Barron    | Dial          | Hilliard | Rice      |     |
| Bedsole   | Dixon         | Holmes   | Sanders   |     |
| Bennett   | Drinkard      | Horn     | Smith (B) |     |
| Cabaniss  | Foshee        | Langford | Smith (J) |     |
| Campbell  |               |          |           | —24 |

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Goodwin | Parsons | —3 |
|-----------|---------|---------|---------|----|

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 204. To amend Section 22-20-3 of the Code of Alabama 1975, so as to further provide that all susceptible infants be tested for sickle cell anemia, sickle cell trait or abnormal hemoglobin.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Bailey    | deGraffenried | Goodwin  | Parsons   |     |
| Barron    | Denton        | Hale     | Preuitt   |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Bennett   | Dixon         | Hilliard | Smith (B) |     |
| Cabaniss  | Drinkard      | Holmes   | Smith (J) |     |
| Campbell  | Ellis         | Horn     |           | —26 |

*Nays:* —0

**MOTION TO ADJOURN LOST**

At 1:30 P.M., Senator Denton moved that the Senate adjourn until Tuesday, May 26, 1987, at 2 o'clock P.M., which motion was lost.

**BUDGET ISOLATION RESOLUTION**

Senator Denton, B. I. R., S. B. 71, adopted.

Yeas 14; Nays 4.

*Yeas:*

|               |        |          |           |     |
|---------------|--------|----------|-----------|-----|
| Senators:     | Denton | Holmes   | Preuitt   |     |
| Bailey        | Dial   | Langford | Rice      |     |
| Cabaniss      | Dixon  | Manley   | Smith (J) |     |
| deGraffenried | Ellis  | Menton   |           | —14 |

*Nays:*

|           |         |      |         |    |
|-----------|---------|------|---------|----|
| Senators: | Goodwin | Hand | Parsons |    |
| Corbett   |         |      |         | —4 |

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 71. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of at least one-half of his accrued sick leave. was taken up.

On motion of Senator Denton, further consideration of the Bill, S. B. 71, was postponed subject to the call of the Chair.

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 97. To state the background of this act and the intent of the legislature in passing it; to provide that the parties to any sale or purchase of real property, which shall include the sale and purchase of any improvements on such real property, shall have the right and ability to state in writing that such transaction shall not be subject to any implied warranties which exist now or in the future, and in such case, no implied warranties shall apply to such transaction, including the implied warranty of fitness and habitability as stated by the Alabama Supreme Court in *Cochran v. Keeton*, 287 Ala. 439, 252 So. 2d 313, *Capra v. Smith*, 372 So. 2d 321, and *Sims v. Lewis*, 374 So. 2d 298, and their progeny; to provide language which will be sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability as stated in such court decisions; to provide for the retroactive effect of this law for transactions which comply with it; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

was taken up.

On motion of Senator Barron, further consideration of the Bill, S. B. 97, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Barron requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Barron, B. I. R., H. B. 79, adopted.

Yeas 16; Nays 2.

*Yeas:*

|           |        |          |           |     |
|-----------|--------|----------|-----------|-----|
| Senators: | Ellis  | Hilliard | Preuitt   |     |
| Barron    | Foshee | Holmes   | Rice      |     |
| Cabaniss  | Hale   | Manley   | Sanders   |     |
| Denton    | Hand   | Menton   | Smith (J) |     |
| Dixon     |        |          |           | —16 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Parsons | —2 |
|-----------|---------|---------|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 79. To amend Section 8-17-216 of the Code of Alabama 1975, relating to permits for the possession and sale of special fireworks for public displays, so as to exempt certain distributors from a distributor's permit where such public display of fireworks is to be performed for charitable purposes.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

|           |          |         |           |     |
|-----------|----------|---------|-----------|-----|
| Senators: | Dixon    | Holmes  | Rice      |     |
| Bedsole   | Ellis    | Horn    | Sanders   |     |
| Cabaniss  | Foshee   | Manley  | Smith (B) |     |
| Campbell  | Hand     | Menton  | Smith (J) |     |
| Corbett   | Hilliard | Preuitt |           | —18 |

*Nays:* —0

**FURTHER CONSIDERATION OF S. B. 61, AS AMENDED**

The Senate proceeded to further consideration of the Bill, S. B. 61, as amended.

Senator Menton offered the following substitute for the Bill, S. B. 61, as amended, to-wit:

**SUBSTITUTE FOR S. B. 61, AS AMENDED**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Code of Alabama 1975, §15-5-8 to provide that a search warrant in a case in which the property to be seized includes a controlled substance may be served at night as well as during the day even if the

affidavits supporting the warrant do not positively state that the property is on the person or in the place to be searched.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be entitled "The Drug Crimes Search Act of 1987."

Section 2. Code of Alabama 1975, §15-5-8 is hereby amended to read as follows:

"In cases in which the property to be seized does not include a controlled substance, a search warrant must be executed in the daytime unless the affidavits state positively that the property is on the person or in the place to be searched, in which case it may be executed at any time of the day or night. Except in cases in which the property to be seized includes a controlled substance, the issuing judge or magistrate must state in the warrant, according to the character of the affidavits, whether it is to be executed by day or at any time of the day or night. In cases in which the property to be seized includes a controlled substance, a warrant may be executed at any time of the day or night."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

|           |          |        |           |     |
|-----------|----------|--------|-----------|-----|
| Senators: | Drinkard | Hand   | Preuitt   |     |
| Bedsole   | Ellis    | Holmes | Rice      |     |
| Bennett   | Foshee   | Horn   | Sanders   |     |
| Cabaniss  | Goodwin  | Manley | Smith (B) |     |
| Covington | Hale     | Menton | Smith (J) |     |
| Dixon     |          |        |           | —20 |

Nays: —0

And said Bill, S. B. 61, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

|           |          |        |           |     |
|-----------|----------|--------|-----------|-----|
| Senators: | Drinkard | Hand   | Preuitt   |     |
| Bailey    | Ellis    | Holmes | Rice      |     |
| Bedsole   | Foshee   | Horn   | Smith (B) |     |
| Bennett   | Goodwin  | Manley | Smith (J) |     |
| Dixon     | Hale     | Menton |           | —18 |

Nays: —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Freeman:

H. J. R. 199. JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held on May 26, 1987, at 1:30 p.m., for the purpose of having Congressman Ronnie Flippo introduce Mr. J. R. Thompson, new director of Marshall Space Flight Center.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (B), the Rules were suspended and the Resolution, H. J. R. 199, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Wright:

H. J. R. 204. COMMENDING ADDIE RHODES LEE OF MIDFIELD, "ALABAMA TEACHER OF THE YEAR 1987."

Also:

By Reps. Freeman, Hall, Hettinger, Brooks, Grayson, and Butler:

H. J. R. 205. HONORING JAMES R. THOMPSON, JR., DIRECTOR OF THE MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

Also:

By Rep. Turner:

H. J. R. 206. COMMENDING MOBILE COUNTY'S SEVEN HILLS VOLUNTEER FIRE DEPARTMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (B), the Rules were suspended and the Resolutions, H. J. R.'s 204, 205, and 206, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.



**BUDGET ISOLATION RESOLUTION**

Senator Cabaniss, B. I. R., S. B. 125, adopted.

Yeas 16; Nays 2.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hilliard | Preuitt   |
| Bailey    | Drinkard      | Holmes   | Rice      |
| Bennett   | Hale          | Manley   | Smith (B) |
| Cabaniss  | Hand          | Menton   | Smith (J) |
| Campbell  |               |          |           |

—16

*Nays:*

|           |         |         |  |
|-----------|---------|---------|--|
| Senators: | Corbett | Goodwin |  |
|-----------|---------|---------|--|

—2

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 125. To amend §§40-23-2 and 40-23-35, Code of Alabama 1975, to impose an excise tax on unlawful sales, use and other transactions involving certain drugs or controlled substances, and provide for the disposition of the proceeds of the tax.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, S. B. 125, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B. I. R., S. B. 19, adopted.

Yeas 12; Nays 8.

*Yeas:*

|           |         |          |           |
|-----------|---------|----------|-----------|
| Senators: | Ellis   | Hilliard | Preuitt   |
| Bennett   | Goodwin | Holmes   | Sanders   |
| Cabaniss  | Hale    | Menton   | Smith (J) |
| Denton    |         |          |           |

—12

*Nays:*

|           |               |       |         |
|-----------|---------------|-------|---------|
| Senators: | Bedsole       | Dixon | Parsons |
| Bailey    | deGraffenried | Hand  | Rice    |
| Barron    |               |       |         |

—8

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 19. To require certain deer hunters using modern firearms and any person accompanying one hunting deer to wear a minimum of 500 square inches of outer clothing consisting of hunter orange or daylight fluorescent orange material during certain hunting seasons and on certain lands; and to provide for penalties for violations.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, S. B. 19, was postponed subject to the call of the Chair.

### MOTION TO ADJOURN LOST

At 2:15 P.M., Senator Denton moved that the Senate adjourn until Tuesday, May 26, 1987, at 1 o'clock P.M., which motion was lost.

Yeas 8; Nays 17.

*Yeas:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Foshee  | Hilliard | Rice    |    |
| Corbett   | Goodwin | Parsons  | Sanders |    |
| Denton    |         |          |         | —8 |

*Nays:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Manley    |     |
| Bailey    | Campbell      | Ellis    | Preuitt   |     |
| Barron    | deGraffenried | Hale     | Smith (B) |     |
| Bedsole   | Dial          | Holmes   | Smith (J) |     |
| Bennett   | Dixon         |          |           | —17 |

### FURTHER CONSIDERATION OF S. B. 125

The Senate proceeded to further consideration of the Bill, S. B. 125.

Senator Cabaniss offered the following amendment to the Bill, S. B. 125, to-wit:

### AMENDMENT TO S. B. 125

Amend Senate Bill 125, Page 5, Line 16, by striking out retail.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Goodwin  | Parsons   |     |
| Barron    | Dial          | Hale     | Preuitt   |     |
| Bedsole   | Dixon         | Hand     | Rice      |     |
| Bennett   | Drinkard      | Hilliard | Sanders   |     |
| Cabaniss  | Ellis         | Holmes   | Smith (B) |     |
| Campbell  | Foshee        | Manley   | Smith (J) | —23 |

*Nays:* —0

And said Bill, S. B. 125, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Denton   | Goodwin  | Menton    |     |
| Bailey    | Dial     | Hale     | Preuitt   |     |
| Bedsole   | Dixon    | Hand     | Rice      |     |
| Bennett   | Drinkard | Hilliard | Sanders   |     |
| Cabaniss  | Ellis    | Holmes   | Smith (B) |     |
| Campbell  | Foshee   | Manley   | Smith (J) |     |
| Corbett   |          |          |           | —24 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Menton, B. I. R., S. B. 209, adopted.

Yeas 21; Nays 1.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Foshee   | Menton    |     |
| Bailey    | Denton        | Hand     | Preuitt   |     |
| Barron    | Dial          | Hilliard | Rice      |     |
| Bennett   | Dixon         | Holmes   | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |     |
| Campbell  | Ellis         |          |           | —21 |

Nay: Senator Goodwin —1

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 209. To amend § 13A-6-21 and § 13A-6-22, Code of Alabama 1975, to provide that an assault with intent to prevent peace officers from performing a lawful duty that causes physical injury to any person shall be a Class C felony.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 209, to-wit:

**SUBSTITUTE FOR S. B. 209**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 13A-6-21 and 13A-6-22 of the Code of Alabama 1975, relating to criminal assault, so as to provide further for the crimes of assault in the second degree and assault in the third degree.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-6-21 and 13A-6-22 of the Code of Alabama 1975 are hereby amended to read as follows:

“§13A-6-21.

“(a) A person commits the crime of assault in the second degree if:

“(1) With intent to cause serious physical injury to another person, he causes serious physical injury to any person; or

“(2) With intent to cause physical injury to another person, he causes physical injury to any person by means of a deadly weapon or a dangerous instrument; or

“(3) He recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or

“(4) For a purpose other than lawful medical or therapeutic treatment, he intentionally causes stupor, unconsciousness or other physical or mental

impairment or injury to another person by administering to him, without his consent, a drug, substance or preparation capable of producing the intended harm; or

“(5) With intent to prevent a peace officer from performing a lawful duty, he causes physical injury to any person.

“(b) Assault in the second degree is a Class C felony.”

“§13A-6-22.

“(a) A person commits the crime of assault in the third degree if:

“(1) With intent to cause physical injury to another person, he causes physical injury to any person; or

“(2) He recklessly causes physical injury to another person; or

“(3) With criminal negligence he causes physical injury to another person by means of a deadly weapon or a dangerous instrument; ~~or.~~

~~“(4) With intent to prevent a peace officer from performing a lawful duty, he causes physical injury to any person.~~

“(b) Assault in the third degree is a Class A misdemeanor.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Foshee   | Menton    |
| Bailey    | Denton        | Goodwin  | Pruitt    |
| Bedsole   | Dial          | Hand     | Rice      |
| Bennett   | Dixon         | Hilliard | Sanders   |
| Cabaniss  | Drinkard      | Holmes   | Smith (B) |
| Campbell  | Ellis         | Manley   | Smith (J) |
| Corbett   |               |          |           |

—24

*Nays:*

—0

And said Bill, S. B. 209, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Goodwin  | Pruitt    |
| Bailey    | deGraffenried | Hand     | Rice      |
| Barron    | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Campbell  | Foshee        | Menton   |           |

—22

*Nays:*

**BUDGET ISOLATION RESOLUTION**

Senator Manley, B. I. R., S. B. 145, adopted.

Yeas 19; Nays 2.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Drinkard | Menton    |     |
| Barron    | deGraffenried | Foshee   | Preuitt   |     |
| Bedsole   | Denton        | Hand     | Rice      |     |
| Bennett   | Dial          | Holmes   | Smith (B) |     |
| Cabaniss  | Dixon         | Manley   | Smith (J) | —19 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Goodwin | —2 |
|-----------|---------|---------|----|

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 145. To amend Section 1-3-4, Code of Alabama 1975, which provides for the definition of fiscal year for the state, so as to change the dates of said fiscal year; to authorize the Governor to devise a plan to implement the provisions of this act; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama.

was taken up.

Senator Manley offered the following substitute for the Bill, S. B. 145, to-wit:

**SUBSTITUTE FOR S. B. 145**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 1-3-4, Code of Alabama 1975, which provides for the definition of fiscal year for the state, so as to change the dates of said fiscal year; to authorize the Governor to devise a plan to implement the provisions of this act; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 1-3-4, Code of Alabama 1975, is hereby amended to read as follows:

“Section 1-3-4. Fiscal year of state.

“The fiscal year of the government shall commence on the first day of ~~October~~ July and end on the thirtieth day of ~~September~~ June. This fiscal year shall be used for purposes of making appropriations and of financial reporting and shall be uniformly adopted by all departments, institutions, bureaus, boards, commissions and other state agencies.”

Section 2. The Governor of Alabama is hereby authorized and directed to devise a plan to effect the orderly implementation of the change in the fiscal year as required by this act. The Governor shall submit such plan to

the legislature no later than the time of the submission of the Alabama Special Educational Trust Fund and the State General Fund budgets during the 1988 Regular Legislative Session.

Section 3. It is the intention of this act, in changing the date of the fiscal year, to also allow the same number of advance days to all state agencies, boards, or commissions to do any act required of them by statute or regulation which was previously measured by the October 1 fiscal year. Therefore any such agency, board, institution, or district is authorized to compute time limitation requirements imposed on them in accordance with the July 1 fiscal year whether or not such time limitations are referred to in the Code of Alabama by a specific date or by a set number of days. The dates of the fiscal year, wherever listed in the Code of Alabama, are hereby changed to reflect the beginning date of the first day of July and end with the thirtieth day of June, inclusive, each year.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective January 1, 1988.

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Goodwin | Preuitt   |     |
| Barron    | deGraffenried | Hand    | Rice      |     |
| Bedsole   | Denton        | Holmes  | Sanders   |     |
| Bennett   | Dial          | Manley  | Smith (B) |     |
| Cabaniss  | Foshee        | Menton  | Smith (J) |     |
| Campbell  |               |         |           | —20 |

*Nays:* —0

And said Bill, S. B. 145, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 1.

*Yeas:*

|           |          |         |           |     |
|-----------|----------|---------|-----------|-----|
| Senators: | Campbell | Goodwin | Preuitt   |     |
| Bailey    | Corbett  | Hand    | Rice      |     |
| Bedsole   | Denton   | Holmes  | Smith (B) |     |
| Bennett   | Dial     | Manley  | Smith (J) |     |
| Cabaniss  | Foshee   | Menton  |           | —18 |

*Nay:* Senator deGraffenried —1

THE BILL:

S. 144. To amend Section 40-17-31 (a) and Section 40-17-171, Code of Alabama 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and

Blind, and Department of Youth Services School District shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171, Code of Alabama 1975.

was taken up.

On motion of Senator Manley, further consideration of the Bill, S. B. 144, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B. I. R., S. B. 345, adopted.

Yeas 16; Nays 2.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Hand   | Preuitt   |     |
| Bailey    | Dixon         | Holmes | Rice      |     |
| Bedsole   | Ellis         | Manley | Smith (B) |     |
| Bennett   | Foshee        | Menton | Smith (J) |     |
| Campbell  |               |        |           | —16 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Goodwin | —2 |
|-----------|---------|---------|----|

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 345. To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowance for certain law enforcement officers, so as to provide a subsistence allowance for any law enforcement officer of the state of Alabama who is employed by the Liquefied Petroleum Gas Board.

was taken up.

Senator Foshee offered the following amendment to the Bill, S. B. 345, to-wit:

**AMENDMENT TO S. B. 345**

On page 1, line 33, after the word "Liquefied" insert the following:  
Petroleum

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Foshee  | Preuitt   |     |
| Bailey    | deGraffenried | Goodwin | Rice      |     |
| Bedsole   | Dial          | Hale    | Sanders   |     |
| Bennett   | Dixon         | Hand    | Smith (B) |     |
| Cabaniss  | Ellis         | Holmes  | Smith (J) | —19 |

*Nays:* —0

And said Bill, S. B. 345, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Foshee  | Preuitt   |     |
| Bailey    | deGraffenried | Goodwin | Rice      |     |
| Bedsole   | Dial          | Hale    | Sanders   |     |
| Bennett   | Dixon         | Hand    | Smith (B) |     |
| Cabaniss  | Ellis         | Holmes  | Smith (J) | —19 |

*Nays:* —0

### RESOLUTION

Senator Smith (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 70. COMMENDING J. JEFFERY IRONS OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with deep appreciation that the Legislature of Alabama applauds the instrumental and successful efforts of J. Jeffery Irons of Huntsville, Alabama, in the establishment of the Huntsville-Madison County Chapter of the National Space Club; and

WHEREAS, prior to the founding of the Huntsville-Madison County Chapter in the Fall of 1985, the only National Space Club in existence was in Washington, D. C., despite community effort in a number of other locales; and

WHEREAS, in contrast, however, the Huntsville-Madison County Space Club has flourished, and its establishment and considerable success are to the credit and leadership of J. Jeffery Irons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend J. Jeffery Irons of Huntsville, Alabama, for outstanding community service, and do further express deep appreciation for his instrumental role with the Huntsville-Madison County National Space Club, for which we tender this resolution of sincere praise and regard.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 118. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

was taken up.

On motion of Senator Ellis, further consideration of the Bill, S. B. 118, was postponed subject to the call of the Chair.

#### THE BILL:

S. 179. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance



programs for the purpose of providing risk management alternatives for the boards of education.

was taken up.

On motion of Senator Bailey, further consideration of the Bill, S. B. 179, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senators Bailey and Drinkard, B. I. R., S. B. 178, adopted.

Yeas 18; Nays 2.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Hale    | Rice      |     |
| Bailey    | deGraffenried | Hand    | Sanders   |     |
| Bedsole   | Dixon         | Manley  | Smith (B) |     |
| Bennett   | Ellis         | Menton  | Smith (J) |     |
| Cabaniss  | Foshee        | Preuitt |           | —18 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Goodwin | —2 |
|-----------|---------|---------|----|

### BILLS ON THIRD READING RESUMED

THE BILL:

S. 178. To amend Sections 16-25-11 and 36-27-11, Code of Alabama 1975, relating to the teachers' retirement system and the employees' retirement system, respectively, so as to provide further for the number of years of contributing membership service a member of such retirement systems shall complete before being allowed to restore previous creditable service with either such retirement system.

was taken up.

Senator Bailey offered the following substitute for the Bill, S. B. 178, to-wit:

### SUBSTITUTE FOR S. B. 178

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 16-25-11 and 36-27-11, Code of Alabama 1975, relating to the teachers' retirement system and the employees' retirement system, respectively, so as to provide further for the number of years of contributing membership service a member of such retirement systems shall complete before being allowed to restore previous creditable service with either such retirement system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-25-11 and 36-27-11 of the Code of Alabama 1975 are hereby amended to read as follows:

“§16-25-11.

“(a) Under such rules and regulations as the board of control shall adopt, each person who was a teacher prior to October 1, 1940, and who under

the provisions of this chapter makes up contributions plus eight percent compound interest on such contributions for the time said teacher taught as a nonmember and who becomes a member prior to October 1, 1974, shall file a detailed statement of all service as a teacher rendered by him prior to October 1, 1940, for which he claims credit. The board of control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow any credit for a period of absence without pay for more than one month's duration, nor shall more than one year of service be creditable for all service in one calendar year. Service rendered for a regular school year shall be equivalent to one year's service. Subject to the above restrictions and to such other rules and regulations as the board of control may adopt, the board of control shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. Upon verification of the statements of service, the board of control shall issue prior service certificates certifying to each member the length of service rendered prior to October 1, 1940, with which he is credited on the basis of his statement of service. Any prior service certificate heretofore issued not providing for the maximum prior service to which the member is entitled shall be revised to include such credit. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, that any member may request the board of control to modify or correct his prior service certificate. When membership ceases, a prior service certificate shall become void. Should a teacher again become a member, he shall enter the system as a teacher not entitled to prior service credit. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member and also, if he has a prior service certificate, which is in full force and effect, the amount of the service certified on his prior service certificate.

“(b) Any teacher, or retired teacher, who became a member of the retirement system before July 1, 1973, and who prior to said date had been ineligible to receive credit for services rendered as a teacher prior to September 1, 1941, for reasons other than having taught as a nonmember shall be eligible under the rules and regulations adopted by the board of control in accordance with the provisions of this chapter to receive credit for all service as a teacher rendered by him prior to October 1, 1940; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said fund; and provided, that said member has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system.

“(c) Any teacher who was a member of the teachers' retirement system as of September 9, 1955 shall be eligible to receive credit for service rendered as a state employee on a full-time basis prior to October 1, 1945, under such rules and regulations as may be adopted by the board of control in accordance with the provisions of this chapter.

“(d) Anything in this chapter to the contrary notwithstanding, any teacher who is now a member of the teachers' retirement system or who becomes a member of the teachers' retirement system at a future date, who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account had been terminated due to a five years absence shall have restored to him all creditable service, provided, that said teacher completes two years of contributing membership service after he again becomes a member of the retirement

system; and provided, that said teacher repays to the treasurer of the retirement system the amount previously returned to him including compounded interest of eight percent to the date of repayment, prior to the date of retirement of said member. Notwithstanding the foregoing provisions any member who elects to purchase credit for withdrawn service shall be eligible to purchase such credit only to the extent that such member does not have credit established with any other public retirement system for such period of service. Should any member have established part credit with another public retirement system for any period of withdrawn service, then such member shall only be eligible to purchase that portion of such withdrawn service for which such member does not otherwise have credit. In determining credit with other public retirement systems coverage under the federal social security program shall not be considered.

“(e) Anything in this chapter to the contrary notwithstanding any teacher who has been retired from service and who is now receiving a service retirement allowance or a disability retirement allowance, pursuant to section 16-25-14, who had five years or more of contributing membership service in the teachers’ retirement system immediately prior to being retired and who had previously withdrawn his funds either from the teachers’ retirement system or the employees’ retirement system or whose account had been terminated due to five years’ absence shall have restored to him all creditable service; provided, that said retired teacher pays to the treasurer of the retirement system within one year after October 1, 1982, the amount previously returned to him including compound interest of eight percent to the date of repayment.

“§36-27-11.

“(a) Under such rules and regulations as the board of control shall adopt, each member who was an employee prior to October 1, 1945, and who has made up contributions for time served as a nonmember and who becomes a member prior to September 1, 1966, shall file a detailed statement of all service as an employee rendered by him prior to October 1, 1945, for which he claims credit.

“(b) The board of control shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall it allow any credit for a period of absence without pay of more than one month’s duration, nor shall more than one year of service be creditable for all service in one calendar year.

“(c) Subject to the restrictions in subsection (b) of this section and to such other rules and regulations as the board of control may adopt, the board of control shall verify, as soon as practicable after the filing of the statements of service provided for in subsection (a) of this section, the service therein claimed.

“(d) Upon verification of the statements of service, the board of control shall issue prior service certificates certifying to each member the length of service rendered prior to October 1, 1945, with which he is credited on the basis of his statement of service. Any beneficiary retired prior to October 1, 1945, and any other person receiving a retirement allowance on account of a beneficiary retired prior to said date shall be entitled on and after said date to have his pension increased to take account of any service rendered as an employee established under the provisions of this article. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any

member may, within one year from the date of issuance or modification of such certificate, request the board of control to modify or correct his prior service certificate. When membership ceases, such prior service certificate shall become void. Should the employee again become a member, he shall enter the system as an employee not entitled to prior service credit.

“(e) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also, if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

“(f) Any person who was a member of the retirement system on July 1, 1961, and who prior to said date had been ineligible to receive credit for service rendered as an employee prior to October 1, 1945, for reasons other than having been employed as a nonmember shall be eligible under the provisions of this article to receive credit for all service as an employee rendered by him prior to October 1, 1945; provided, that such person has never waived his claim on the funds of the retirement system by withdrawing his accumulated contributions to said funds and has not been absent from service more than five years in any period of six consecutive years after becoming a member of the retirement system.

“(g) Any member entitled to prior service credit as provided in this section who served as a teacher in the public schools or colleges of the state on a full-time basis prior to October 1, 1945, may claim prior service credit for all such service not otherwise creditable to him under the retirement system, such service, anything in this chapter to the contrary notwithstanding, to be considered service as an employee. Such claim shall be subject to such rules and regulations as the board of control shall adopt.

“(h) Anything in this article to the contrary notwithstanding, any employee who is a member of the retirement system or any future employee who becomes a member of the retirement system who shall have previously withdrawn his funds from either the employees' retirement system or the teachers' retirement system or whose account shall have been terminated due to five years absence shall have restored to him all creditable service; provided, that said employee shall complete five two years of contributing membership service after he again becomes a member of the retirement system and shall repay the amount previously returned to him, including compounded interest of eight percent to the date of repayment, to the treasurer of the retirement system prior to the date of retirement of said employee. Notwithstanding the foregoing provisions any member who elects to purchase credit for withdrawn service shall be eligible to purchase such credit only to the extent that such member does not have credit established with any other public retirement system for such period of service. Should any member have established part credit with another public retirement system for any period of withdrawn service, then such member shall only be eligible to purchase that portion of such withdrawn service for which such member does not otherwise have credit. In determining credit with other public retirement systems coverage under the federal social security program shall not be considered.

“(i) Anything in this article to the contrary notwithstanding, any employee who has been retired from service and who has been receiving a service retirement allowance or a disability retirement allowance, as of October

1, 1981, pursuant to section 36-27-16, who had five years or more of contributing membership service in the employees' retirement system immediately prior to being retired and who had previously withdrawn his funds from either the teachers' retirement system or the employees' retirement system or whose account had been terminated due to five years absence, shall have restored to him all credited service; provided that said retired member shall repay to the treasurer of the retirement system within one year after October 1, 1982, the amount previously returned to him including compounded interest of eight percent to the date of repayment.

"(j) Anything in this article to the contrary notwithstanding, any member who has served as a county engineer shall be allowed to make contributions to the retirement system, together with regular interest to date of payment, on the basis of the amount he would have contributed had he as a county engineer been allowed to contribute on that part of his salary paid by the state highway department. Such makeup contribution shall be for service from October 1, 1945, to September 30, 1965, and shall be paid in a lump sum before January 1, 1966, whereupon after payment is received the member shall be credited with membership service based on the percentage of the salary as county engineer which was paid by said highway department funds.

"(k) Any member who was in service as a teacher in the public schools of Alabama subsequent to October 1, 1945, who resigned from service as a teacher to become employed by the state as a department head authorized to exercise sovereign power of the state may be allowed to make contributions to the retirement system, together with regular interest to date of payment, on the basis of the amount he would have contributed had he been allowed to become a member of the system upon such employment. Such makeup contributions shall be paid in a lump sum before January 1, 1966."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Manley    |     |
| Bailey    | Dixon         | Hand     | Menton    |     |
| Bennett   | Ellis         | Hilliard | Preuitt   |     |
| Cabaniss  | Foshee        | Holmes   | Sanders   |     |
| Campbell  | Goodwin       | Langford | Smith (B) | —19 |

*Nays:* —0

And said Bill, S. B. 178, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hand     | Preuitt   |     |
| Bailey    | Drinkard      | Hilliard | Sanders   |     |
| Bennett   | Foshee        | Holmes   | Smith (B) |     |
| Cabaniss  | Goodwin       | Manley   | Smith (J) |     |
| Campbell  | Hale          | Menton   |           | —18 |

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 79. To amend Section 8-17-216 of the Code of Alabama 1975, relating to permits for the possession and sale of special fireworks for public displays, so as to exempt certain distributors from a distributor's permit where such public display of fireworks is to be performed for charitable purposes.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 100. To amend §§16-25-14(a) and 36-27-16(a), Code of Alabama 1975, to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system or the employees' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

Also:

S. 112. To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

JIM SMITH,  
Chairperson.

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B. I. R., S. B. 290, adopted.

Yeas 17; Nays 1.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Campbell      | Goodwin | Preuitt   |
| Barron    | deGraffenried | Hale    | Sanders   |
| Bedsole   | Dixon         | Holmes  | Smith (B) |
| Bennett   | Ellis         | Menton  | Smith (J) |
| Cabaniss  | Foshee        |         |           |

—17

*Nay:* Senator Parsons —1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 290. To amend Section 36-6-1, Code of Alabama 1975, which defines “state employee” for compensation purposes, so as to authorize awards of nominal value as a form of discretionary compensation for deeds of merit and for longevity.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 290, to-wit:

#### AMENDMENT TO S. B. 290

Amend Section 1(h) on Page 3, Lines 9 and 10 by striking out the last sentence in its entirety in the referenced section.

On motion of Senator Smith (J), further consideration of the Bill, S. B. 290, and pending amendment, was postponed subject to the call of the Chair.

#### THE BILL:

S. 52. To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; to provide procedures for filling a vacancy in the office of the mayor in any such municipality; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

was taken up.

On motion of Senator Manley, further consideration of the Bill, S. B. 52, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 27, adopted.

Yeas 17; Nays 1.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Foshee   | Preuitt   |     |
| Barron    | deGraffenried | Hand     | Sanders   |     |
| Bedsole   | Dixon         | Hilliard | Smith (B) |     |
| Bennett   | Drinkard      | Holmes   | Smith (J) |     |
| Cabaniss  | Ellis         |          |           | —17 |

|                      |    |
|----------------------|----|
| Nay: Senator Corbett | —1 |
|----------------------|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 27. To define “daylight hours” for the purpose of hunting game birds and animals.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 27, to-wit:

**AMENDMENT TO S. B. 27**

Amend S. B. 27 Section 2, line 22, after the word “between” by deleting the remainder of the sentence in its entirety and inserting in lieu thereof the following:

“30 minutes before local sunrise and 30 minutes after local sunset as published by the United States Weather Bureau.”

Which was adopted.

Yeas 18; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Ellis    | Menton    |     |
| Bailey    | Campbell      | Hand     | Sanders   |     |
| Barron    | deGraffenried | Hilliard | Smith (B) |     |
| Bedsole   | Dixon         | Holmes   | Smith (J) |     |
| Bennett   | Drinkard      | Manley   |           | —18 |

|       |    |
|-------|----|
| Nays: | —0 |
|-------|----|

And said Bill, S. B. 27, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Ellis    | Parsons   |     |
| Bailey    | Campbell      | Hilliard | Sanders   |     |
| Barron    | deGraffenried | Holmes   | Smith (B) |     |
| Bedsole   | Dixon         | Manley   | Smith (J) |     |
| Bennett   | Drinkard      | Menton   |           | —18 |

|       |    |
|-------|----|
| Nays: | —0 |
|-------|----|



**BUDGET ISOLATION RESOLUTION**

Senator Holmes, B. I. R., S. B. 319, adopted.

Yeas 16; Nays 2.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Manley    |
| Barron    | deGraffenried | Hand     | Menton    |
| Bedsole   | Dixon         | Hilliard | Smith (B) |
| Bennett   | Drinkard      | Holmes   | Smith (J) |
| Cabaniss  |               |          |           |

—16

*Nays:*

|           |      |         |  |
|-----------|------|---------|--|
| Senators: | Rice | Sanders |  |
|-----------|------|---------|--|

—2

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 319. To amend Code of Alabama 1975, Section 12-17-224 (a)(2) e.1.(ii) by redefining RESTITUTION to allow Worthless Check Units to collect the service charge of not more than \$10.00 authorized by Alabama Code Sections 13A-9-13.1 through 13A-9-13.3 for the holder of a worthless check.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Parsons   |
| Barron    | deGraffenried | Hand     | Preuitt   |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Cabaniss  | Dixon         | Holmes   | Smith (B) |
| Campbell  | Drinkard      | Manley   | Smith (J) |
| Corbett   | Ellis         | Menton   |           |

—22

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., S. B. 155, adopted.

Yeas 18; Nays 3.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Menton    |
| Bedsole   | deGraffenried | Hand     | Preuitt   |
| Bennett   | Dial          | Hilliard | Smith (B) |
| Cabaniss  | Dixon         | Holmes   | Smith (J) |
| Campbell  | Ellis         | Manley   |           |

—18

*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Parsons | Sanders | —3 |
|-----------|---------|---------|---------|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 155. To amend Section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Drinkard | Holmes    |     |
| Bailey    | Covington     | Ellis    | Manley    |     |
| Barron    | deGraffenried | Foshee   | Menton    |     |
| Bedsole   | Dial          | Hand     | Smith (B) |     |
| Bennett   | Dixon         | Hilliard | Smith (J) |     |
| Cabaniss  |               |          |           | —20 |

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B. I. R., S. B. 130, adopted.

Yeas 17; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Ellis    | Manley    |     |
| Barron    | deGraffenried | Hand     | Menton    |     |
| Bedsole   | Dial          | Hilliard | Preuitt   |     |
| Bennett   | Dixon         | Holmes   | Smith (J) |     |
| Cabaniss  | Drinkard      |          |           | —17 |

*Nay:* Senator Corbett

—1

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 130. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Ellis    | Menton    |     |
| Barron    | Covington     | Hand     | Parsons   |     |
| Bedsole   | deGraffenried | Hilliard | Preuitt   |     |
| Bennett   | Dial          | Holmes   | Smith (J) |     |
| Cabaniss  | Drinkard      | Manley   |           | —18 |

*Nays:*

—0

**FURTHER CONSIDERATION OF S. B. 290**

The Senate proceeded to further consideration of the Bill, S. B. 290.  
The question was on the Committee amendment.

And said amendment was then adopted by the Senate.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hand     | Parsons   |     |
| Barron    | Dial          | Hilliard | Preuitt   |     |
| Bedsole   | Dixon         | Holmes   | Sanders   |     |
| Bennett   | Drinkard      | Manley   | Smith (J) |     |
| Cabaniss  | Ellis         | Menton   |           | —18 |

*Nays:* —0

And said Bill, S. B. 290, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Ellis    | Menton    |     |
| Barron    | deGraffenried | Hand     | Parsons   |     |
| Bedsole   | Dial          | Hilliard | Preuitt   |     |
| Bennett   | Dixon         | Holmes   | Smith (J) |     |
| Cabaniss  | Drinkard      | Manley   |           | —18 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator deGraffenried, B. I. R., S. B. 136, adopted.

Yeas 16; Nays 2.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Ellis    | Menton    |     |
| Barron    | Dial          | Hand     | Preuitt   |     |
| Bedsole   | Dixon         | Hilliard | Sanders   |     |
| Bishop    | Drinkard      | Manley   | Smith (J) |     |
| Cabaniss  |               |          |           | —16 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Parsons | —2 |
|-----------|---------|---------|----|

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 136. To amend Section 22-6-7, Code of Alabama 1975, which authorizes the Medicaid Agency to contract with fiscal intermediaries for the purpose of receiving, processing and paying claims under the medicaid program, so as to provide further for said contracts.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Parsons   |
| Barron    | Dial          | Hilliard | Preuitt   |
| Bedsole   | Dixon         | Holmes   | Sanders   |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Corbett   | Ellis         | Menton   |           |

—18

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Clark (J), Campbell, Carter, Harper, and Williams:

H. 318. Relating to city and county boards of education; authorizing such boards to call a referendum on the question of levying additional sales and use taxes which parallel the state sales and use taxes including exemptions, occupation taxes or ad valorem taxes to be used for local school purposes pursuant to the ratification of an amendment to the Constitution authorizing same; providing the procedure for any referendums hereunder; and authorizing the levy and collection of any such tax approved by the voters.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 318—to the Committee on Education

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Clark (J), Campbell, Carter, Harper, and Williams:

H. 319. Proposing an amendment to the Constitution of Alabama of 1901, authorizing city and county school boards to levy and collect additional sales and use taxes which parallel the state sales and use taxes including exemptions, occupation taxes or ad valorem taxes for local school purposes if approved by the qualified electors of the city or county.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 319—to the Committee on Education

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Clark (J), Campbell, Carter, and Harper:

H. 320. To require the state board of education to adopt standards for local public school systems in the management and supervision of the program areas of finance and student achievement and to ensure that standard accountability as reflected through performance levels specified by the state board of education and verified through monitoring activities including on site visitation and audits of reports submitted by local public school systems; and to provide for intervention to limit and/or supersede local board of education and local superintendent authority when standards are not being met as final assurance of compliance.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 320—to the Committee on Education

**ADJOURNMENT**

At 4 o'clock P.M., on motion of Senator deGraffenried, the Senate adjourned until Tuesday, May 26, 1987, at 1:01 P.M.

## **TWELFTH LEGISLATIVE DAY**

**TUESDAY, MAY 26, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Larry Armstrong, Associate Pastor, Eastern Hills Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Candice Coleman, Dalraida Elementary School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Menton    |
| Amari     | Covington     | Goodwin  | Parsons   |
| Bailey    | deGraffenried | Hale     | Preuitt   |
| Barron    | Denton        | Hand     | Rice      |
| Bedford   | Dial          | Hilliard | Sanders   |
| Bedsole   | Dixon         | Holmes   | Smith (B) |
| Bennett   | Drinkard      | Horn     | Smith (J) |
| Bishop    | Ellis         | Langford |           |
| Campbell  | Figures       | Manley   |           |

—33

### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Cabaniss for today.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 61. To amend Code of Alabama 1975, §15-5-8 to provide that a search warrant in a case in which the property to be seized includes a controlled substance may be served at night as well as during the day even if the affidavits supporting the warrant do not positively state that the property is on the person or in the place to be searched.

Also:

S. 125. To amend §§40-23-2 and 40-23-35, Code of Alabama 1975, to impose an excise tax on unlawful sales, use and other transactions involving certain drugs or controlled substances, and provide for the disposition of the proceeds of the tax.

Also:

S. 145. To amend Section 1-3-4, Code of Alabama 1975, which provides for the definition of fiscal year for the state, so as to change the dates of said fiscal year; to authorize the Governor to devise a plan to implement the provisions of this act; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama.

JIM SMITH,  
Chairperson.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 345. To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowance for certain law enforcement officers, so as to provide a subsistence allowance for any law enforcement officer of the state of Alabama who is employed by the Liquefied Petroleum Gas Board.

Also:

S. 178. To amend Sections 16-25-11 and 36-27-11, Code of Alabama 1975, relating to the teachers' retirement system and the employees' retirement system, respectively, so as to provide further for the number of years of contributing membership service a member of such retirement systems shall complete before being allowed to restore previous creditable service with either such retirement system.

Also:

S. 290. To amend Section 36-6-1, Code of Alabama 1975, which defines "state employee" for compensation purposes, so as to authorize awards of

nominal value as a form of discretionary compensation for deeds of merit and for longevity.

JIM SMITH,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

H. J. R. 207. EXPRESSING THE LEGISLATIVE INTENT OF ACT 81-451.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the intent of the Legislature regarding Act 81-451, H. 839 of the 1981 Regular Session (Acts of 1981, p. 792), entitled the Mobile County Litter Control Act was that the jurisdiction of the Mobile County Litter Patrol shall be confined to the right-of-way of the county road system of Mobile County. It was the further intent of the Legislature that the Mobile County Litter Patrol cannot go on private property unless requested by the property owner.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The resolution, H. J. R. 207, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 209. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 21, 1987, that we adjourn to meet again on Tuesday, May 26, 1987.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 209, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (RG):

H. J. R. 200. COMMENDING COACH PHILLIP LANDERS AND THE FAYETTEVILLE HIGH SCHOOL WOLVES ON THEIR 1987 STATE 1A BASEBALL CHAMPIONSHIP.

Also:

By Rep. Payne:

H. J. R. 201. COMMENDING PATRICK DAVID AARON OF TRUSSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 200 and 201, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Marietta and Harper:

H. J. R. 213. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY WITH RESPECT TO OIL AND GAS DEVELOPMENT ACTIVITIES IN ALABAMA'S COASTAL WATERS.

Act No. 83-609 approved on July 28, 1983 is as follows:

"EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs; and

WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U. S. Government acreage; and

WHEREAS, forty years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment; and

WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with, but no more stringent than, existing federal offshore environmental regulations.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Governor, State Oil and Gas Board, Department of Conservation and Natural Resources, Department of Environmental Management and any other state agencies and departments involved in the regulation of offshore oil and gas exploration and production so that they may know of our concern, interest and desire for appropriate regulations in this most important area."

AND WHEREAS, On May 21, 1987 there still exists a question with respect to Alabama's Oil and Gas Development Policy as evidenced at the Alabama Environmental Management Commission's May 20, 1987 Hearing on a discharge permit.

AND WHEREAS, The Alabama Legislature reaffirms its commitment to timely development of the state's energy resources consistent with sound and stable environmental practices.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That ADEM proceed with urgency to resolve this issue in concert with the expressed intent of the Alabama Legislature as evidenced in Act 83-609.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 213, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### RECESS

At 1:25 P.M., on motion of Senator deGraffenried, the Senate took a recess for the purpose of the Joint Session to hear the message of Mr. James R. Thompson.

### JOINT SESSION

At 1:30 P.M., in accordance with the provisions of the Resolution, H. J. R. 199, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of the Honorable James R. Thompson, Director of the Marshall Space Flight Center, Huntsville, Alabama.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Senate was present.

Thereupon, Mr. Thompson was escorted to the Chair and delivered his message to the Legislature of Alabama.

Upon completion of the Joint Session, at 2:30 P.M., the Senate returned to its chamber and was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 199. JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 204. COMMENDING ADDIE RHODES LEE OF MIDFIELD, "ALABAMA TEACHER OF THE YEAR 1987."

Also:

H. J. R. 205. HONORING JAMES R. THOMPSON, JR., DIRECTOR OF THE MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

Also:

H. J. R. 206. COMMENDING MOBILE COUNTY'S SEVEN HILLS VOLUNTEER FIRE DEPARTMENT.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 208. COMMENDING ETOWAH HIGH SCHOOL, ATTALLA, ALABAMA, ON THE 1987 CLASS 5A STATE BASEBALL CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 208, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Spratt, Rogers, McClain, McDowell, Davis, Perdue, and Newton  
(With Notice and Proof):

H. 356. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 356, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Slaughter, Gray, McDowell, Wright, Petelos, White (G), and McClain  
(With Notice and Proof):

H. 543. Relating to Jefferson County; to provide for funding for the Birmingham-Jefferson County Transit Authority by the City of Birmingham, Jefferson County and certain other municipalities in such county; to repeal Act No. 232 of the 1977 Regular Session of the Alabama legislature and all conflicting statutes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 543, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 356 and 543—to the Committee on Local Legislation No. 2

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 459. Relating to Bibb County; providing for an additional fee for motor vehicle tags and providing for the disposition of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 459, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 459—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gray (With Notice and Proof):

H. 9. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 9, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 9—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Perdue, White (G), and Newton (With Notice and Proof):

H. 442. To amend Section 3.05 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, (Acts

of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 442, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 442—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Perdue, White (G), and Newton (With Notice and Proof):

H. 441. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last or any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits, and to repeal all laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 441, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 441—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle, Payne, Wright, Petelos, McDowell, Davis, Spratt, Escott, and Perdue (With Notice and Proof):

H. 515. Relating to Jefferson County; providing for the compensation of law enforcement employees in the Sheriff's Department.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 515, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 515—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 437. To apply only in Bibb County providing for service of witness subpoenas by mail.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 437, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Hill and Knight (With Notice and Proof):

H. 452. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 452, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 437 and 452—to the Committee on Local Legislation No. 1

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Payne and Wright (With Notice and Proof):

H. 298. Relating to Jefferson County; authorizing the Jefferson County Commission and the Jefferson County Sheriff's Department to prohibit the overgrowth of weeds, the storage and accumulation of junk, inoperable motor vehicles and other litter; providing for penalties; and providing that this act shall be known as the Cope and Norris Act.

WHEREAS, the Jefferson County government finds as fact that overgrowth of weeds or vegetation and accumulation or storage of junk, trash, scrap materials, rubbish, tires, inoperable motor vehicles, litter, debris, and other matter, all or any one or combination thereof, on premises of two acres or less within the unincorporated territory of Jefferson County constitute a real and present danger and hazard to the health and safety of the citizens of Jefferson County; and

WHEREAS, such overgrowth, storage and accumulations are widespread and have caused reduction in the value of neighboring premises; now therefore,

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 298, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Headley (With Notice and Proof):

H. 433. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court for Bibb County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 433, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 298—to the Committee on Local Legislation No. 2

H. B. 433—to the Committee on Local Legislation No. 1



## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Manley:

S. 469. To amend section 11-81-11 of the Code of Alabama 1975, as heretofore amended, to permit the sale of bonds issued under the authority of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended, to be sold at public or private sale as the governing body of the municipality or county may determine.

Committee on Governmental Affairs.

By Senator Manley:

S. 470. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund budget; to establish a procedure for automatic withdrawals from such account in years of proration; to prevent withdrawals from such account in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in trust from year-to-year except during years of proration in the Alabama Special Educational Trust Fund budget and in emergencies; to require automatic reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Committee on Finance and Taxation.

By Senators Langford and Dixon:

S. 471. To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, so as to provide for such judge.

Committee on Finance and Taxation.

By Senator Foshee:

S. 472. To establish the Alabama Groundwater Protection Trust Fund; to provide for a disposition of the environmental protection fees collected for returning polluted groundwater to a quality comparable to its previous state; to establish an advisory board to advise the Department of Environmental Management on the investment of the fund and other related matters; to create an incentive program through a two year grace period to encourage the reporting and clean up of leaking underground storage tanks; to establish and satisfy financial responsibility requirements for underground storage tank owners as required by federal law, and to provide for payment of third party claims and clean-up costs caused by leaking underground storage tanks.

The legislature of the State of Alabama finds and declares that certain lands of Alabama constitute unique and delicately balanced resources; that the protection of these resources is vital to the economy of this state; and that the preservation of groundwater is a matter of the highest urgency and

priority as these waters provide a primary source of potable water in this state; that such use can only be served effectively by maintaining the quality of groundwater in as close to a pristine condition as possible, taking into account multiple use accommodations necessary to provide the broadest possible promotion of public and private interests.

The legislature further finds and declares that the storage and transportation of motor fuels within the jurisdiction of this state poses threats of damage to the environment of the state, to citizens of the state, and to other interests deriving livelihood from the state; and that such hazards have occurred in the past, are now occurring, and will continue to occur. Discharges from underground tanks pose a significant threat to the quality of ground waters of this state.

The legislature further finds that where contamination of groundwater has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made; that such delays result in the continuation and intensification of the threat to the public health, safety, and welfare, in greater damages to the environment, and in significantly higher costs to contain and remove the contamination; and that adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected persons and to provide a means for investigation and clean-up at contamination sites without delay, and such state interests outweigh any economic burdens imposed by the legislature upon those engaged in storing and transportation of motor fuels and related activities.

The legislature intends for this Act to provide evidence of financial responsibility under the Superfund Amendments and Reauthorization Act of 1986 and other federal laws.

Committee on Natural Resources.

By Senators Foshee and Corbett:

S. 473. To amend Section 25-4-78, Code of Alabama 1975, which relates to unemployment compensation, so as to provide that a worker shall not be disqualified for total or partial unemployment if the employer engaged in a "lockout" of his labor force or a portion thereof.

Committee on Judiciary.

By Senator Dial (With Notice and Proof):

S. 474. Relating to Clay County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Clay County as a branch, so as to not cause a hardship to its customers.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 474, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Goodwin:

S. 475. To amend Section 32-5-240, Code of Alabama 1975, which relates to the use of headlights on motor vehicles, so as to provide further for such use.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Campbell:

S. 476. To authorize the issuance of a summons or notice by livestock theft investigators for misdemeanor violations of livestock sanitary and disease control laws and regulations or any other laws and regulations governing the handling, movement or sale of livestock; to provide for the immediate taking into custody of persons who refuse to sign the summons or notice or to give their name and address; to provide that one who willfully fails to appear at the time and place specified in the summons commits the crime of bail jumping in the second degree.

Committee on Agriculture,  
Conservation, and Forestry.

By Senators Bedford, Foshee, Hale, Dixon, and Manley:

S. 477. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

Committee on Judiciary.

By Senators Bedford, Foshee, Hale, Dixon, and Manley:

S. 478. To amend Sections 24-6-3 and 24-6-4, Code of Alabama 1975, so as to further provide for the duties, functions, administration and remuneration of the Alabama Manufactured Housing Commission; and to provide that no commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

Committee on Judiciary.

By Senator Drinkard:

S. 479. To amend Section 35-4-6, Code of Alabama 1975, relating to leases with a term for more than 20 years, so as to provide that the invalidation of such leases for failure to record the lease within one year after execution thereof in the office of the judge of probate will not apply to the parties to the lease, their respective heirs, successors or assigns, or to other persons with notice of the lease, and to provide for its retroactive effect.

Committee on Banking and Insurance.

By Senator Drinkard:

S. 480. To provide that health care service plan corporations organized under Article 6, Chapter 4, Title 10, Code of Alabama 1975, be domestic

mutual insurance companies governed by the Insurance Code, Title 27, Code of Alabama 1975; to authorize all other domestic insurers to furnish health care service plans to the public; to amend the Insurance Code, Chapter 27, Title 27, Code of Alabama 1975, by adding Section 27-27-62 thereto; and to provide for the continuation of the existence of such corporations and other transitional provisions.

Committee on Banking and Insurance.

By Senators Rice, deGraffenried, Smith (B), Dial, Dixon, Hale, Hand, Holmes, Bedsole, Smith (J), Ellis, Barron, Manley, and Preuitt:

S. 481. To amend further Sections 25-4-72 and 25-4-77, Code of Alabama 1975, relating to unemployment compensation, so as to increase the maximum weekly unemployment benefits as of January 3, 1988, and to provide further for benefit eligibility conditions.

Committee on Business and Labor Relations.

By Senator Rice:

S. 482. Proposing an amendment to the Constitution of Alabama of 1901, to require the appointment of county superintendents by local boards of education.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Senator Rice:

S. 483. To require the appointment of county superintendents of education by local boards of education as provided by Sections 16-8-7 and 16-9-1, Code of Alabama 1975, and to provide for the effective date of appointment for previously elected superintendent positions.

Committee on Education.

By Senators Denton and Smith (J):

S. 484. To amend Sections 41-9-782 and 41-9-783 of the Code of Alabama 1975 relating to the Tennessee Valley Exhibit Commission in order to clarify the authority of said commission with respect to the issuance of revenue obligations and to make a limited appropriation and pledge for the benefit of certain of such revenue obligations of certain moneys retained by the State of Alabama from in-lieu-of-taxes payments made by the Tennessee Valley Authority.

Committee on Finance and Taxation.

By Senators Denton, Bedford, Barron, Menton, Holmes, Goodwin, Smith (J), Preuitt, Hale, Bennett, Rice, Campbell, Hand, Dial, Bedsole, deGraffenried, Manley, Amari, Bailey, Parsons, Langford, Dixon, Covington, and Smith (B):

S. 485. To further amend Section 41-9-682, Code of Alabama 1975, which section provides for the general powers of the Alabama music hall of fame, so as to further authorize the board to constitute a bond authority for the purposes of issuing general obligation bonds for capital outlay purposes, and for the purposes for which it was created; to provide for the circumstances

under which the state of Alabama shall make payments on the costs incurred as a result of any such bond issue and to pledge its full faith and credit if necessary; to provide for the operation of such authority, its powers, duties and the allocation of bond proceeds; and to exempt such authority from any taxes of any nature, whether state, local or special.

Committee on Finance and Taxation.

By Senators Denton, Bedford, Barron, Menton, Holmes, Goodwin, Smith (J), Preuitt, Hale, Bennett, Rice, Campbell, Hand, Dial, Bailey, Bedsole, deGraffenried, Manley, Amari, Parsons, Langford, Dixon, Covington, and Smith (B):

S. 486. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to create an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Covington (With Notice and Proof):

S. 487. Relating to Dale County; providing for the chairman of the county commission; amending Section 2 and repealing Section 3 of Act No. 1955, H. 1827, Regular Session 1971 (Acts 1971, p. 3174), which provides for the chairman of such commission, so as to transfer such office and duties to the judge of probate who shall be the chairman ex officio; providing that the duties and the compensation of such chairman shall be as provided by law; providing no ballot shall contain the office of chairman of county commission separate from the judge of probate.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 487, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis:

S. 488. To propose an amendment to the Constitution of Alabama of 1901 to provide home rule for Shelby County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

**RESOLUTION**

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 71. CONGRATULATING MR. AND MRS. CLYDE W. CAMPBELL ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

Which was filed.

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Chris McNair to the Board of Trustees, Alabama Agricultural and Mechanical University.

On motion of Senator Smith (J), the appointment of Mr. McNair was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Foshee  | Langford  |     |
| Amari     | deGraffenried | Goodwin | Manley    |     |
| Barron    | Dial          | Hale    | Rice      |     |
| Bedsole   | Dixon         | Hand    | Smith (B) |     |
| Bennett   | Ellis         | Holmes  | Smith (J) |     |
| Bishop    |               |         |           | —20 |

*Nays:* —0

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Franklin Perry to the Board of Trustees, Alabama Agricultural and Mechanical University.

On motion of Senator Smith (J), the appointment of Mr. Perry was confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Foshee   | Langford  |     |
| Amari     | Corbett       | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Bennett   | Dixon         | Hilliard | Smith (B) |     |
| Bishop    | Ellis         | Holmes   | Smith (J) | —23 |

*Nays:* —0

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. George Miller to the Board of Trustees, Alabama Agricultural and Mechanical University.

On motion of Senator Smith (J), the appointment of Mr. Miller was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Menton    |
| Amari     | Dixon         | Hilliard | Preuitt   |
| Barron    | Ellis         | Holmes   | Rice      |
| Bedsole   | Foshee        | Horn     | Sanders   |
| Bennett   | Goodwin       | Langford | Smith (B) |
| Bishop    | Hale          | Manley   | Smith (J) |
| Campbell  |               |          |           |

—24

*Nays:* —0

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Wayman Sherrer to the Board of Trustees, Alabama Agricultural and Mechanical University.

On motion of Senator Smith (J), the appointment of Mr. Sherrer was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Menton    |
| Amari     | Covington     | Goodwin  | Preuitt   |
| Bailey    | deGraffenried | Hale     | Rice      |
| Barron    | Dial          | Horn     | Sanders   |
| Bedsole   | Dixon         | Langford | Smith (B) |
| Bennett   | Ellis         | Manley   | Smith (J) |
| Bishop    |               |          |           |

—24

*Nays:* —0

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Oscar Tucker to the Board of Trustees, Alabama Agricultural and Mechanical University.

On motion of Senator Smith (J), the appointment of Dr. Tucker was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Goodwin  | Langford  |
| Amari     | deGraffenried | Hale     | Preuitt   |
| Bailey    | Dial          | Hand     | Rice      |
| Barron    | Dixon         | Hilliard | Sanders   |
| Bedsole   | Ellis         | Holmes   | Smith (B) |
| Bennett   | Foshee        | Horn     | Smith (J) |
| Bishop    |               |          |           |

—24

Nays:

—0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 283. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

was taken up.

Senator Holmes requested and received unanimous consent to suspend the Rules in order to postpone consideration of the above Bill, H. B. 283, until 4:30 this afternoon.

### RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### S. R. 72. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the 12th legislative day of the 1987 Regular Session only:

| <u>BILL NO.</u> | <u>DESCRIPTION</u>                                                                                 | <u>PAGE NO.</u> |
|-----------------|----------------------------------------------------------------------------------------------------|-----------------|
| H. B. 80        | Alabama Regional Reciprocal Savings Institutions Act, estab.                                       | 52              |
| S. B. 417       | To amend Section 40-18-14, Gross income, def. of to exclude cert. federally deferred income plans. | 63              |

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

Senators Dixon and Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 73. COMMENDING DARYL SAGER OF JEFFERSON DAVIS HIGH SCHOOL, MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.



WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates Daryl Sager of Montgomery's Jefferson Davis High School on the State High School Golf Championship during the Alabama High School Association Tournament at Gulf Shores; and

WHEREAS, a six-foot putt on the 36th and final hole of the tournament gave Daryl Sager a round of one-over 73 and a two-day total of 142, contributing to the "J. D." Volunteers' second-place finish, just two shots short of the Mobile McGill-Toolen Champions; and

WHEREAS, that neatly placed six-footer, however, put Daryl Sager in a play-off for the individual title, and it took just one hole of sudden-death play for this Jeff Davis golfer to clinch the title as the best in the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend State Golf Champion Daryl Sager of Montgomery, Alabama, and direct that he receive a copy of this resolution that we execute in highest regard and in warm best wishes for every future success.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Barron and Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 74. INVITING CONGRESSMAN RICHARD A. GEPHARDT OF MISSOURI TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Congressman Richard A. Gephardt of the State of Missouri to address the Alabama Legislature on June 4, 1987, on which date and at a time to be set, the Legislature shall convene in joint session to hear Congressman Gephardt's remarks on issues of state and national interest.

BE IT FURTHER RESOLVED, That Congressman Gephardt, by copy of this resolution, be advised of our invitation to address the Alabama Legislature and of our hopeful anticipation of his acceptance.

Which was read and referred to the Standing Committee on Rules.

### BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 80, adopted.

Yeas 19; Nays 2.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Drinkard | Holmes    |
| Bailey    | deGraffenried | Foshee   | Menton    |
| Bedsole   | Denton        | Goodwin  | Preuitt   |
| Bennett   | Dial          | Hale     | Rice      |
| Campbell  | Dixon         | Hand     | Smith (B) |

—19

*Nays:*

Senators: Corbett

Parsons

—2

**SPECIAL ORDER****BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 80. To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

And said Bill, H. B. 80, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | deGraffenried | Foshee  | Parsons   |
| Amari     | Denton        | Goodwin | Preuitt   |
| Bailey    | Dial          | Hale    | Rice      |
| Bedford   | Dixon         | Holmes  | Sanders   |
| Bedsole   | Drinkard      | Manley  | Smith (B) |
| Bennett   | Ellis         | Menton  | Smith (J) |
| Campbell  | Figures       |         |           |

—25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (B), B. I. R., S. B. 417, adopted.

Yeas 20; Nays 2.

*Yeas:*

|               |          |         |           |
|---------------|----------|---------|-----------|
| Senators:     | Denton   | Foshee  | Menton    |
| Bailey        | Dial     | Goodwin | Preuitt   |
| Bedsole       | Dixon    | Hale    | Rice      |
| Bishop        | Drinkard | Holmes  | Sanders   |
| Campbell      | Ellis    | Manley  | Smith (B) |
| deGraffenried |          |         |           |

—20

*Nays:*

Senators: Amari

Parsons

—2

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 417. To amend Section 40-18-14, Code of Alabama 1975, which defines the term "gross income" for state income tax purposes, so as to provide further for said definition.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | deGraffenried | Ellis   | Menton    |
| Amari     | Denton        | Foshee  | Preuitt   |
| Bailey    | Dial          | Goodwin | Sanders   |
| Barron    | Dixon         | Hand    | Smith (B) |
| Bedsole   | Drinkard      | Holmes  | Smith (J) |
| Bishop    |               |         |           |

—20

*Nays:*

—0

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### S. R. 75. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence over all other matters until disposed of:

##### 1. Committee Reports

| <u>BILL NO.</u> | <u>DESCRIPTION</u>                                                           | <u>PAGE NO.</u> |
|-----------------|------------------------------------------------------------------------------|-----------------|
| S. 188          | Gasohol, must be labeled on the pump when sold, Sec. 8-17-82 am'd.           | 15              |
| S. 189          | Gasohol, tax exemptions repealed, Secs. 40-17-130 through 40-17-133 repealed | 16              |

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 227. To amend Sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners in Psychology, so as to provide for increases in certain fees charged by the board.

By Senator Covington:

S. 254. To amend Section 36-7-20, Code of Alabama 1975, which relates to state employees' expense allowances, so as to make the expense provision optional where employees attend training sessions provided by contract with the employing agency and where expenses for meals and per diem are paid by such contract.

By Senator Ellis:

S. 415. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the said board and to require that each congressional district be represented; to provide for filling vacancies and residential requirements.

By Rep. Hettinger:

H. 84. To amend Sections 11-46-21, 11-46-22, 11-46-24, 11-46-25, 11-46-26, 11-46-27, 11-46-36, 11-46-40, 11-46-51, and 11-43-2, Code of Alabama 1975, relating to municipal elections, so as to establish the dates of municipal elections in certain cities or towns having the mayor-council form of government; and to establish dates and other procedures required in connection with such elections.

By Rep. Hettinger:

H. 85. To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

By Rep. Hettinger:

H. 86. To amend Sections 11-46-92, 11-46-93, 11-46-96, 11-46-97, 11-46-98, 11-46-107, 11-46-111, and 11-46-122, Code of Alabama 1975, relating to municipal elections, so as to establish the dates of municipal elections in certain cities or towns having the commission form of government; and to establish dates and other procedures required in connection with such elections.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Marietta (With Amendment):

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects as provided in Section 34-2-38 specifically, and as provided in Sections 34-2-30 through 34-2-42 generally, of the Code of Alabama 1975, with certain modifications; to amend Sections 34-2-32, 34-2-33, 34-2-35, and 34-2-40, so as to provide further certain structures to which Article 2 of Title 34 does not apply; to provide further for the qualifications of applicants of the board and the fees and renewal fees of the board's licenses; to provide for the licensing of corporations and partnerships; to prohibit certain practices; and to provide further for meetings and officers of the board.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Marietta:

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Section 34-17-2, specifically, and as provided in Sections 34-17-1 through 34-17-27, generally, of the Code of Alabama 1975, with one modification; to amend Section 34-17-25 so as to provide further for application fees for examination by the board.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Marietta (With Amendment):

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board for General Contractors as provided in Section 34-8-20, specifically, and in Sections 34-8-1 through 34-8-27, generally, of the Code of Alabama 1975 with one modification; to amend Section 34-8-9 so as to issue building permits in the county area.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Marietta:

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors as provided in Section 34-11-30, specifically, and Sections 34-11-1 through 34-11-37, generally, of the Code of Alabama 1975; with certain modifications; to amend Sections 34-11-11 and 34-11-13, so as to provide further for the disciplinary actions of the board and to provide further for the civil appeal procedure for actions of the board.

By Rep. Marietta:

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Section 34-3-2 of the Code of Alabama 1975; and the legislature's concurrence thereof.

By Rep. Marietta:

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board as provided in Section 34-25-4, specifically, and Sections 34-25-1 through 34-25-36, generally, of the Code of Alabama 1975; with one modification to amend Section 34-25-24, so as to increase out-of-state licensees' fees.

By Rep. Marietta:

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Surface Mining Commission as provided in Section

9-16-33, specifically, and Sections 9-16-1 through 9-16-53, generally, of the Code of Alabama 1975; and the legislature's concurrence thereof.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Menton (With Notice and Proof):

S. 447. Relating to Mobile County; to amend Act No. 751, S. 599, 1967 Regular Session, as amended, which provides for funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, so as to provide further for said funding.

By Senator Menton (With Notice and Proof):

S. 448. Relating to Mobile County; to amend Act No. 544, S. 602, 1967 Regular Session, as amended, which provides for funds from the general fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, so as to provide further for said funding.

## RESOLUTIONS

Senator Barron offered the following Senate Resolutions, to-wit:

S. R. 76. COMMENDING KENT WADE WELDON OF FLAT ROCK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 77. COMMENDING MARY C. BLEVINS ON HER DISTINGUISHED EDUCATIONAL CAREER.

Also:

S. R. 78. COMMENDING LOUISE KING ON HER DISTINGUISHED CAREER IN PUBLIC EDUCATION.

Also:

S. R. 79. COMMENDING C. B. STRICKLAND ON HIS DISTINGUISHED CAREER IN PUBLIC EDUCATION.

Which were filed.

## FURTHER CONSIDERATION OF H. B. 283

The hour of 4:30 P.M. having arrived, the Senate proceeded to further consideration of the Bill, H. B. 283.

And said Bill, H. B. 283, was read a third time at length and passed.

REGULAR SESSION  
12th Day

613

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Bishop   | Figures | Manley  |
| Amari     | Campbell | Foshee  | Menton  |
| Bailey    | Corbett  | Goodwin | Parsons |
| Barron    | Denton   | Hale    | Preuitt |
| Bedford   | Dial     | Hand    | Rice    |
| Bedsole   | Dixon    | Holmes  | Sanders |
| Bennett   | Ellis    |         |         |

—25

*Nays:*

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 80. To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B. I. R., S. B. 188, adopted.

Yeas 18; Nays 9.

*Yeas:*

|               |        |         |           |
|---------------|--------|---------|-----------|
| Senators:     | Denton | Goodwin | Menton    |
| Barron        | Dial   | Hale    | Preuitt   |
| Bishop        | Dixon  | Hand    | Rice      |
| Covington     | Ellis  | Holmes  | Smith (B) |
| deGraffenried | Foshee | Manley  |           |

—18

*Nays:*

|           |         |          |          |
|-----------|---------|----------|----------|
| Senators: | Bedford | Figures  | Langford |
| Amari     | Bennett | Hilliard | Parsons  |
| Bailey    | Corbett |          |          |

—9

**MOTION TO ADJOURN LOST**

At 4:55 P.M., Senator Corbett moved that the Senate adjourn until Thursday, May 28, 1987, at 10 o'clock A.M., which motion was lost.

**SPECIAL ORDER**  
**BILLS ON THIRD READING**

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 188. To amend Section 8-17-82, Code of Alabama 1975, which relates to the labeling requirements for certain containers of certain petroleum products so as to provide further for the labeling of containers and pumps from which certain petroleum products are sold or dispensed.

Senator Corbett offered the following amendment No. 1 to the Bill, S. B. 188, to-wit:

**AMENDMENT NO. 1 TO S. B. 188**

Amend Senate Bill No. 188 Page 1 Line 11, by striking out "gasohol" and substituting therefor "ethanol"

Page 2 Line 16 strike out "gasohol" and substitute therefor "ethanol"

Line 19 strike out "gasohol and substitute therefor "ethanol blended"

Line 24 strike out "gasohol" and substitute therefor "ethanol blended"

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 18; Nays 6.

*Yeas:*

|           |               |          |         |     |
|-----------|---------------|----------|---------|-----|
| Senators: | Covington     | Drinkard | Manley  |     |
| Amari     | deGraffenried | Ellis    | Menton  |     |
| Barron    | Denton        | Foshee   | Preuitt |     |
| Bedsole   | Dial          | Goodwin  | Rice    |     |
| Campbell  | Dixon         | Hand     |         | —18 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Bennett | Holmes   | Parsons |    |
| Bailey    | Corbett | Langford |         | —6 |

Senator Corbett then offered the following amendment No. 2 to the Bill, S. B. 188, to-wit:

**AMENDMENT NO. 2 TO S. B. 188**

Amend Senate Bill No. 188, Page 2, Line 24, by striking out "three" and insert therefor "one and one-half"

On motion of Senator Foshee, said amendment was laid on the table.

Yeas 21; Nays 5.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | deGraffenried | Foshee  | Menton    |     |
| Amari     | Denton        | Goodwin | Parsons   |     |
| Barron    | Dial          | Hale    | Preuitt   |     |
| Bedsole   | Dixon         | Hand    | Rice      |     |
| Campbell  | Drinkard      | Manley  | Smith (B) |     |
| Covington | Ellis         |         |           | —21 |



REGULAR SESSION  
12th Day

615

*Nays:*

|           |         |        |          |    |
|-----------|---------|--------|----------|----|
| Senators: | Bennett | Holmes | Langford |    |
| Bailey    | Corbett |        |          | —5 |

And said Bill, S. B. 188, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Foshee   | Manley    |     |
| Amari     | Denton        | Goodwin  | Menton    |     |
| Barron    | Dial          | Hale     | Preuitt   |     |
| Bedsole   | Dixon         | Hand     | Rice      |     |
| Campbell  | Drinkard      | Holmes   | Smith (B) |     |
| Covington | Ellis         | Langford | Smith (J) | —23 |

*Nay:* Senator Corbett —1

**RESOLUTION**

Senators Amari, Bedford, Bennett, and Parsons offered the following Senate Resolution, to-wit:

S. R. 80. COMMENDING ANNA VACCA, JEFFERSON COUNTY'S "OUTSTANDING PRINCIPAL OF THE YEAR."

Which was filed.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 27. To define "daylight hours" for the purpose of hunting game birds and animals.

JIM SMITH,  
Chairperson.

**BUDGET ISOLATION RESOLUTION**

Senator Foshee, B. I. R., S. B. 189, adopted.

Yeas 16; Nays 10.

*Yeas:*

|               |          |         |           |     |
|---------------|----------|---------|-----------|-----|
| Senators:     | Dixon    | Goodwin | Menton    |     |
| Covington     | Drinkard | Hale    | Preuitt   |     |
| deGraffenried | Ellis    | Holmes  | Rice      |     |
| Denton        | Foshee   | Manley  | Smith (B) |     |
| Dial          |          |         |           | —16 |

Nays:

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Bennett  | Figures  | Parsons |
| Amari     | Campbell | Hand     | Sanders |
| Bailey    | Corbett  | Langford |         |

—10

### STATEMENT BY SENATOR PARSONS

Senator Parsons stated that under Section 55 of Article IV of the Constitution of 1901, "Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the Journal."

Accordingly, Senator Parsons read the following statement expressing his dissent, to-wit:

(INTRODUCTORY GREETINGS) I am, Senator from District 17. It is with a profound sense of urgency and concern for the betterment and welfare of every citizen of Alabama that I invoke the Constitutional right to enter my reasons for dissent in the Journal. Article 4 Section 55 of the Alabama Constitution wisely provides for the dissent from any act or resolution which is injurious to the citizens of Alabama. This section states that: "Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either House shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual and have the reason for his dissent entered on the Journal".

The action taken here today makes it incumbent upon me to register my dissent and have these reasons entered on the Journal. To do otherwise would be contrary to the wisdom and desires of the citizens of Alabama. For I believe that Section 55 of our State Constitution insures that free citizens who have chosen to govern themselves by the principles of a democracy shall have a right to disagree and register that disagreement in a meaningful sense. To exclude or ignore the precepts of Section 55 is to suggest that disagreement and opposition have no value in the affairs of humans and have no relevance within the method and manner of governing a free people. It is within that spirit that I, not capriciously, nor quickly, rise to list and preserve my reasons for disagreeing with the result which this body has now produced here today.

In 1981 an act was proposed which sought to amend the Alabama State Constitution. This amendment, Number 448, is titled Paramount Duty of Legislature to Make Basic Appropriations at Regular Sessions, and reads as follows:

(A) The following words and phrases, whenever used in this amendment, shall have the following respective meanings:

"Basic appropriations" means, with respect to any regular session of the legislature, such appropriations as the legislature may deem appropriate for the expenditures by the state during the ensuing budget period for the ordinary expenses of the executive, legislative and judicial departments of the state, for payment of the public debt, and for education (excluding,

however, any item within the scope of the foregoing that is at the time provided for by a continuing appropriation or otherwise).

“Budget period” means a fiscal year of the state or such period other than [a] fiscal year as may hereafter be fixed by law as the period with respect to which state budgets are prepared and state appropriations are made.

(B) On or before the second legislative day of each regular session of the legislature, beginning with the first regular session after January 1, 1983, the governor shall transmit to the legislature for its consideration a proposed budget for the then next ensuing budget period.

(C) The duty of the legislature at any regular session to make the basic appropriations for any budget period that will commence before the first day of any succeeding regular session shall be paramount; and, accordingly, beginning with the first regular session held after January 1, 1983, no bill (other than a bill making any of the basic appropriations) shall be signed by either the presiding officer of the house or senate and transmitted to the other house until bills making the basic appropriations for the then ensuing budget period shall have been signed by the presiding officer of each house of the legislature in accordance with Section 66 of this Constitution and presented to the governor in accordance with Section 125 of this Constitution; provided, that this paragraph (C) shall not affect the adoption of resolutions or the conduct of any other legislative functions that do not require a third reading; and provided further, that following adoption, by vote of either house of not less than three-fifths of a quorum present, of a resolution declaring that the provisions of this paragraph (C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein.

(D) Upon the signing and presentation to the governor in accordance with the said Sections 66 and 125 of bills making the basic appropriations, the provisions of the foregoing paragraph (C) prohibiting the final passage of bills in the house and senate (other than bills making any part of the basic appropriations) shall cease to be effective and shall not be revived or become again effective as a result of (i) the subsequent legislative history of any bill so signed and presented, including any veto, return with executive amendment, or any other action, or failure to act, by either the governor or the legislature under the provisions of the said Section 125; or (ii) a determination, by either judicial decree or opinion of the justices of the Alabama Supreme Court, that any bill so signed and presented is wholly or in part invalid.

(E) The legislature may, by statute or rule, make such further provisions for the timely passage of bills making the basic appropriations as are not inconsistent with the provisions of this Constitution.

(F) Nothing contained herein shall be construed as requiring the legislature to make any appropriation not otherwise required by this Constitution to be made.

This legislation was proposed by Acts 1981, First Extraordinary Session, Number 81-889 and was submitted November 6, 1984 and was proclaimed ratified December 10, 1984. Many of us were here then and recall the careful reflection and discussion of this proposal. It was the thinking of this body then, as it should be now, that the budgetary needs and demands of our state are so important, so vital they must occupy a level of concern above

all others. Indeed, it is difficult to imagine a more pressing concern. Virtually every need, every activity, every requirement of our state hinges upon budgetary decisions.

So important was this need to courageously confront tough and challenging budgetary questions that the legislation begins with the words paramount duty. This body, chosen to speak for the great masses of Alabama citizens, knew then, just as it knows today, that every aspect of life in this state would be deeply and profoundly touched and impacted upon by budgetary decisions. Surely the words, paramount and duty are not meaningless, and empty, concocted only in a struggle to rhetorically express some concept. No, these words were chosen because they best express the hope and goal of this legislature, because they convey with ringing importance the desire to expedite the crucial and hard decisions that limited fiscal resources inherently present.

The word paramount has been described by Webster's Dictionary as meaning: "Supreme" and "superior to all others." It is by no coincidence or random chance that this constitutional amendment begins with the word paramount. This body sought and intended this vital piece of legislation to be paramount, supreme, and considered to be supreme to all other concerns of this body. It is no small matter that the people of Alabama approved this amendment at the ballot boxes; that they gave their endorsement and approval for this legislation that was to be paramount; that was to be superior to all others.

Further this body sought, and the citizens of Alabama agreed and approved this legislation with the word duty in the title. Webster's dictionary speaks of duty as "a moral or legal obligation" and carrying the "force of moral obligation." It is no small matter that the people of Alabama approved this amendment at the ballot boxes; that they gave their endorsement and approval for this legislation that was to be imbued with the force of a moral obligation.

And so, there we are. What we euphemistically label budget isolation demands of us, with the weight and force of a moral obligation, that we confront the budgetary task with a zeal that is supreme and superior to all other tasks before us. Yet now, today, we stray and deviate from our good sense and judgment that prevailed when we enacted amendment number 448. Yet today we pay no heed to the good sense and judgment of the people of Alabama that prevailed when they ratified amendment number 448.

There are those who would say, so what; of what importance is it that we ignore the wishes of the people of Alabama. There are those who would say that my and others' fears are of small consequence. There are those who feel that the mandate of budget isolation may be shunned when they so desire. I do not seek to criticize those who feel such, nor do I seek to impune the motives of those who now wish to depart from the hard road that budget decisions present. Perhaps it is easier to deviate from the hard choices that we must ultimately face. Perhaps it is easier to rise with an emotional tide that relegates the will of the people to a secondary concern. Perhaps indeed it is easier, but it is not wiser.

Now, as a governing body we say that the budget is not important, not as demanding as we realized only a few short years ago. History is a wise and thorough teacher. Budget isolation was born as a result of the lessons of the past. Historically, we came to recognize the importance of a carefully considered and crafted budget. The lesson we learned from the past was that

the budget hurled difficult and demanding challenges which could not and should not be placed aside while we fretted with tasks often unworthy of being supreme to all others.

Yet today, with a tired repetition, we fail to heed the lessons of the past. Is not the past an opportunity to have a glimpse of the future? It has been said, and I believe wisely so, that those who ignore history are doomed to repeat it. How often have we rushed to consider the great budgetary issues in the lateness of the hour? How often have budgetary items been resolved without the full study and knowledge that these issues warrant only because other, perhaps more convenient or easier tasks have drawn our attention away? That is why in 1981 the decision to consider the budget before all else was realized. We understood then that these issues are complex and time consuming and are deserving of our complete and full attention. Now we renege on that understanding. The wisdom of budget isolation is as compelling today as it was then, but yet we again seem doomed to repeat the past.

I do not say that the issue that persuaded this body to turn away from the demands of the budget is without significance. To the contrary. But in our eagerness and exuberance let us not hastily rush to judgment.

There is yet another reason that compels me to dissent from the decision reached today. I have alluded to the great many issues that can only be resolved through the budgetary decision making process. It is these issues that clamor for a reasoned solution. One need only look at a newspaper or view the television or hear the radio to know and understand that serious matters impact upon our lives and, will, if we permit, diminish the quality and enjoyment of our all too brief existence upon this earth. Given the relative shortness of life in this world, each minute that passes denies us the opportunity to enhance and enrich the human experience.

Our decisions on how we will spend our dollars is directly related to the quality of life in Alabama in so many instances. At this very moment, for example, somewhere in Alabama a child is crying because of hunger. At this very moment, somewhere in Alabama a parent is crying and agonizing on how to feed this child. To be physically hungry is not a pleasant topic to speak of or to hear. Yet it is one of the many concerns that we must speak and hear of.

Federal cutbacks in hunger programs have been severe and only serve to enlarge and magnify the extent of the problem facing us. No matter what your political party or philosophy, it is rendered small by the pressing needs of hungry human beings. No one, I submit, can be so hardened or so unmoved when confronted with the grim starkness of hunger. And we know that there is hunger in Alabama. Nothing so ravages the human body, mind and spirit as does the gnawing pains of hunger.

Beyond those that do not have anything to eat, there are people in our state who do not have enough to eat, and who are undernourished. The image of an elderly person attempting to stretch a fixed income by seeking nourishment through dog or cat food is a reality that is not pleasant to understand but a reality nevertheless. We have come to learn that a child's developmental stages may be impaired because of a lack of adequate nutrition.

Of course there is more to hunger than food. There is a hunger of spirit. There is a hunger inherent within each human spirit to achieve, provide and be viewed as worthy by oneself and others. You know, Thomas Carlisle

once wrote; "Blessed is the man who has found his work, let him ask no greater happiness." Since the beginning of recorded history, the human animal has taken pride in the doing of a task. It has even been suggested that work is a necessary condition of life. How inadequate one feels when he or she cannot work. I believe that most people want to work, want to experience the pride in completing a task, want that self satisfaction that can only come from having a job.

Work is a therapeutic experience that is necessary for human growth. Nothing is so demeaning, so demoralizing as having the desire to contribute to society and the desire to provide for one's family and yet be unable because there are simply no opportunities.

So we have hunger and unemployment in Alabama. Perhaps there are those who would argue that even these problems should wait while we examine the system. I am not so persuaded, and indeed the list of pressing social problems goes further.

We live in a state which ranks close to the bottom of all 50 states in education. Why, why is this so? How much untapped human potential is waiting? Waiting for the opportunity to flourish and develop. Waiting for the exposure through our schools to encourage and guide hidden abilities and talents. We can only speculate as to the great scientific advances; the great medical discoveries; the great literature that lies dormant in our young for lack of the educational impetus necessary to carry them to their fullest human potential. We will never be a great people unless we dare to be and we dare not without the requisite educational support and foundation. The history of the world remains to be written by those yet unborn. That history will be written in large part by how those of us today decide to educate those who will follow us tomorrow.

But there is more. Seemingly coming as though unbridled and unrestrained, the array of social needs and problems confronting us continue to grow. While humans have reached a startling technological achievements, our basic ability as humans to exist with one another seems at times primitive. Daily we are reminded of the cruelty one person is capable of inflicting upon another. Our jails and prisons virtually overflow with those whose crimes are often unspeakable and serve as a reminder that humans still have a long way to come in relationships with each other. Surely one of man's greatest needs is to be free of fear. There are many types of fear, but I am now speaking of fear for one's physical safety and well being. Fear of physical attack and harm is a haunting form of paralysis. It forces us to lock ourselves in our homes after dark; it inhibits all but the brave or foolish from even a casual stroll in our own neighborhoods after dark. The elderly and sick are easy prey for those whom crime and violence are a way of life. A fear that alters life styles and compels people to arm themselves with deadly weapons for protection is not a conducive atmosphere to generate a productive society. How are we, as a civilized people, going to continually sequester those who are misfits and commit horrid crimes? Should we simply build more jails and prisons? Should we fashion different forms of punishment beyond incarceration? Certainly we live in a turbulent and often times violent society. Now, perhaps more than at any other time in our history, solutions are demanded with stunning immediacy.

These are but a few of the pressing demands that call me to vote in the minority today. There are others, almost too numerous to mention. Today we see those inflicted with a brutal poverty, a poverty that wastes the mind, body and spirit. Today we see our rivers, streams and forests spoiled and

ruined from the ravages of pollution. Today we see physical and mental handicaps that beg to be recognized and treated. Yes, today we see a child, somewhere in Alabama, right now crying.

Admittedly it is easier to find the problems than it is to find solutions and I realize the risk I accept of seemingly being the prophet of despair. Such a role I do not seek. Yet we can ill afford the luxury of closing our eyes to the great unfinished task before us. It is for us, the present elected officials of this state, to recognize and grapple with the problems that besiege and at times perplex us. None of the problems I have discussed will go away by themselves. It is not as though we can lie down, close our eyes and wake up to a more perfect place free of problem and despair.

The severity of a problem should only enhance our desire to find a solution. No problem, large or small, was ever satisfied by postponing or delaying or ignoring possible solutions. That is why I voted to follow the wishes of the people; why I voted to face the budget here and now. Each day, each hour we delay in examining how we can best spend our limited financial resources allows the problems to grow and only make a final resolution that much more difficult.

The talented novelist, Charles Dickens, viewed one brief moment of human history and described it as "The best of times and the worst of times." Such is as relevant for us today as it was then. It is the best of times because our abilities and potentials are so great. It is also the worst of times because we have yet to marshal our abilities and potentials. There are indeed many problems, but we can solve them. We can make Alabama a place where people live and grow and develop as fully as their minds and bodies allow, if we will only begin the job. It is for these reasons I enter on the Journal my dissent of the vote just taken.

Which was ordered spread upon the Journal.

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

S. 189. To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol.

was taken up.

Senator Holmes offered the following substitute for the Bill, S. B. 189, to-wit:

### **SUBSTITUTE FOR S. B. 189**

#### **A BILL TO BE ENTITLED AN ACT**

To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol and to provide for an effective date.

#### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Effective December 1, 1989, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which relate

to reduction of rate of taxation on gasohol are hereby expressly repealed. Effective January 1, 1988, the amount of excise tax on gasohol provided for in subsection (a) of Section 40-17-132 shall be reduced to two cents per gallon less than gasoline. Effective December 31, 1989, the reduced rate of taxation granted in subsection (a) of Section 40-17-132 for gasohol shall terminate.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Foshee, said substitute was laid on the table.

Yeas 16; Nays 11.

*Yeas:*

|               |          |         |           |     |
|---------------|----------|---------|-----------|-----|
| Senators:     | Denton   | Foshee  | Menton    |     |
| Bishop        | Dial     | Goodwin | Preuitt   |     |
| Campbell      | Dixon    | Hale    | Rice      |     |
| Covington     | Drinkard | Manley  | Smith (B) |     |
| deGraffenried |          |         |           | —16 |

*Nays:*

|           |         |         |           |     |
|-----------|---------|---------|-----------|-----|
| Senators: | Bedsale | Figures | Langford  |     |
| Bailey    | Bennett | Hand    | Parsons   |     |
| Bedford   | Corbett | Holmes  | Smith (J) | —11 |

### SENSE OF THE SENATE

The President and Presiding Officer of the Senate stated, with regard to Senator Parsons' dissent, that it would be spread upon the Journal, but that the Chair would decide, under Senate Rule 40, on the "reasonable time" allowed for reading the same. He further stated that, under Section 55 of the Constitution, any Senator may have his reasons for dissent entered upon the Journal, and that the Chair would allow a reasonable time for any Senator's protest.

Senator Parsons protested the ruling of the President and Presiding Officer.

Whereupon, Senator Foshee suggested that the Chair call for the Sense of the Senate on the approval of the President and Presiding Officer's ruling.

And the President and Presiding Officer called for a Sense of the Senate on the following question: "Concerning his interpretation of Section 55 of Article IV of the Constitution, shall the Chair be sustained?"

Upon the call of the roll, the Senators responded as follows:

Yeas 17; Nays 0.

Abstaining 7.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Dial     | Hale   | Preuitt   |     |
| Bailey        | Dixon    | Hand   | Rice      |     |
| Barron        | Drinkard | Manley | Smith (B) |     |
| Bedsale       | Ellis    | Menton | Smith (J) |     |
| deGraffenried | Foshee   |        |           | —17 |



*Nays:* —0

*Abstaining:*

|           |           |         |          |    |
|-----------|-----------|---------|----------|----|
| Senators: | Covington | Goodwin | Langford |    |
| Bedford   | Figures   | Holmes  | Parsons  | —7 |

### POINTS OF PERSONAL PRIVILEGE

Senator Amari requested that the Journal show that he refused to vote on the above Sense of the Senate because the question was unclear.

Senator Sanders requested that the Journal show that he refused to vote on the above Sense of the Senate because he considered the question improper.

Senator Corbett submitted the following written Point of Personal Privilege, to-wit:

Mr. President, I would like the journal to reflect that I was present on the preceding vote (a sense of the Senate). I did not vote because I feel that the President did not call a proper motion. The question involved was clear under Rule 40. A sense of the Senate was unnecessary and was designed to demean a member of this Senate.

Mr. President, I resent your ruling and I refuse to vote. I will continue to feel as I do because I live in a democracy and not a dictatorship.

Which was read and ordered spread upon the Journal.

### FURTHER CONSIDERATION OF S. B. 189

The Senate proceeded to further consideration of the Bill, S. B. 189.

Senator Holmes offered the following substitute No. 2 to the Bill, S. B. 189, to-wit:

### SUBSTITUTE NO. 2 FOR S. B. 189

#### A BILL TO BE ENTITLED AN ACT

To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Effective December 1, 1989, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which relate to reduction of rate of taxation on gasohol are hereby expressly repealed. Effective January 1, 1988, the amount of excise tax on gasohol provided for in subsection (a) of Section 40-17-132 shall be reduced to two cents per gallon less than gasoline. Effective June 30, 1989, the reduced rate of taxation granted in subsection (a) of Section 40-17-132 for gasohol shall terminate.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Foshee, said substitute was laid on the table.

Yeas 16; Nays 14.

*Yeas:*

|               |          |         |           |     |
|---------------|----------|---------|-----------|-----|
| Senators:     | Denton   | Ellis   | Manley    |     |
| Barron        | Dial     | Foshee  | Preuitt   |     |
| Bedford       | Dixon    | Goodwin | Rice      |     |
| Bishop        | Drinkard | Hale    | Smith (B) |     |
| deGraffenried |          |         |           | —16 |

*Nays:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Bennett   | Figures  | Menton    |     |
| Amari     | Campbell  | Hand     | Parsons   |     |
| Bailey    | Corbett   | Holmes   | Smith (J) |     |
| Bedsole   | Covington | Langford |           | —14 |

Senator Holmes then offered the following substitute No. 3 for the Bill, S. B. 189, to-wit:

### **SUBSTITUTE NO. 3 FOR S. B. 189**

#### **A BILL TO BE ENTITLED AN ACT**

To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol and to provide for an effective date.

#### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Effective December 1, 1989, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which relate to reduction of rate of taxation on gasohol are hereby expressly repealed. Effective October 1, 1987, the amount of excise tax on gasohol provided for in subsection (a) of Section 40-17-132 shall be reduced to two cents per gallon less than gasoline. Effective June 30, 1989, the reduced rate of taxation granted in subsection (a) of Section 40-17-132 for gasohol shall terminate.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Foshee offered the following substitute for the Holmes substitute No. 3 for the Bill, S. B. 189, to-wit:

### **FOSHEE SUBSTITUTE FOR HOLMES SUBSTITUTE NO. 3 FOR S. B. 189**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Section 40-17-132, Code of Alabama 1975, relating to reduction of rate of taxation on gasohol, so as to reduce further the amount of excise tax on gasohol so that the reduced rate will expire on October 1, 1988; and to repeal, effective October 1, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, relating to such reduced rate of taxation on gasohol.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-17-132, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-17-132.

“(a) Notwithstanding the other provisions of this chapter, the amount of excise tax on gasohol shall be three cents per gallon less than gasoline. The reduced rate of taxation granted by this section for gasohol shall also apply to gasohol manufactured or distilled in another state, if that state reduces the rate of taxation or exempts from its motor fuel tax gasohol manufactured or distilled within the state of Alabama. For all other purposes other than the amount of excise tax, the term ‘gasohol’ shall be included within the term ‘gasoline’ as defined in section 40-17-30.

“(b) Effective July 1, 1987, the amount of excise tax on gasohol provided for in subsection (a) of this section shall be reduced to two cents per gallon less than gasoline.

“(c) Effective October 1, 1987, the amount of excise tax on gasohol provided for in subsection (b) of this section shall be reduced to one cent per gallon less than gasoline.

“(d) Effective October 1, 1988, the reduced rate of taxation granted by this section for gasohol shall terminate.”

Section 2. Effective October 1, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, which relate to reduction of rate of taxation on gasohol are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Holmes moved that the Foshee substitute be laid on the table, which motion was lost.

Yeas 10; Nays 19.

Yeas:

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Corbett   | Hale     | Sanders   |     |
| Amari     | Covington | Holmes   | Smith (J) |     |
| Bennett   | Figures   | Langford |           | —10 |

Nays:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Drinkard | Manley    |     |
| Bailey    | deGraffenried | Ellis    | Menton    |     |
| Barron    | Denton        | Foshee   | Preuit    |     |
| Bedford   | Dial          | Goodwin  | Rice      |     |
| Bedsole   | Dixon         | Hand     | Smith (B) | —19 |

Senator Foshee moved that his substitute for the Holmes substitute No. 3 for the Bill, S. B. 189, be adopted.

ADJOURNMENT

At 7:15 P.M., Senator Dixon moved that the Senate adjourn until Thursday, May 28, 1987, at 10:05 A.M.

Senator Bedford offered a substitute motion that the Senate adjourn until Thursday, May 28, 1987, at 10:30 A.M., which motion was lost.

Senator Goodwin offered a substitute motion that the Senate adjourn until Thursday, May 28, 1987, at 10:35 A.M., which was adopted.

Yeas 14; Nays 13.

*Yeas:*

|           |           |         |          |     |
|-----------|-----------|---------|----------|-----|
| Senators: | Bennett   | Ellis   | Langford |     |
| Amari     | Campbell  | Figures | Rice     |     |
| Bedford   | Covington | Goodwin | Sanders  |     |
| Bedsole   | Denton    | Holmes  |          | —14 |

*Nays:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Dial     | Hand   | Preuitt   |     |
| Bailey        | Drinkard | Manley | Smith (B) |     |
| Barron        | Foshee   | Menton | Smith (J) |     |
| deGraffenried | Hale     |        |           | —13 |

And, at 7:22 P.M., pending further consideration of the Bill, S. B. 189, the Senate adjourned until Thursday, May 28, 1987, at 10:35 A.M.

## **THIRTEENTH LEGISLATIVE DAY**

**THURSDAY, MAY 28, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Doctor Albert D. Perkins, III, Rector, St. John's Episcopal Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Miss Brooke Thorington, Jefferson Davis High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Parsons   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

—34

### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

### **REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate

Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 74. INVITING CONGRESSMAN RICHARD A. GEPHARDT OF MISSOURI TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Senator deGraffenried offered the following substitute for the Resolution, S. J. R. 74, to-wit:

#### SUBSTITUTE FOR S. J. R. 74

S. J. R. 74. INVITING ALL PRESIDENTIAL CANDIDATES TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to all presidential candidates to address the Alabama Legislature on July 15, 1987, at a time to be set. The Legislature shall convene in joint session to hear the candidates' remarks on issues of state and national interest.

BE IT FURTHER RESOLVED, That these candidates, by copy of this resolution, be advised of our invitation to address the Alabama Legislature and of our hopeful anticipation of their acceptance.

On motion of Senator Bedford, said substitute was laid on the table.

Yeas 13; Nays 11.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Campbell | Hilliard | Menton  |     |
| Amari     | Corbett  | Horn     | Parsons |     |
| Bedford   | Dixon    | Langford | Sanders |     |
| Bennett   | Figures  |          |         | —13 |

*Nays:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | deGraffenried | Hale    | Rice      |     |
| Bedsole   | Ellis         | Hand    | Smith (B) |     |
| Cabaniss  | Goodwin       | Preuitt | Smith (J) | —11 |

And on motion of Senator Bedford, the Resolution, S. J. R. 74, was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 283. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### RESOLUTION

Senators Goodwin, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 81. MOURNING THE DEATH OF RUTH CRANFORD KENNEDY OF BIRMINGHAM, ALABAMA.

Which was adopted.

### BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., H. B. 152, adopted.

Yeas 21; Nays 0.

*Yeas:*

|           |         |          |           |
|-----------|---------|----------|-----------|
| Senators: | Dixon   | Holmes   | Preuitt   |
| Bedsole   | Ellis   | Horn     | Rice      |
| Bennett   | Foshee  | Langford | Sanders   |
| Bishop    | Goodwin | Manley   | Smith (B) |
| Cabaniss  | Hale    | Menton   | Smith (J) |
| Campbell  | Hand    |          |           |

—21

*Nays:*

—0

### BILLS ON THIRD READING

THE BILL:

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects as provided in Section 34-2-38 specifically, and as provided in Sections 34-2-30 through 34-2-42 generally, of the Code of Alabama 1975, with certain modifications; to amend Sections 34-2-32, 34-2-33, 34-2-35, and 34-2-40, so as to provide further certain structures to which Article 2 of Title 34 does not apply; to provide further for the qualifications of applicants of the board and the fees and renewal fees of the board's licenses; to provide for the licensing of corporations and partnerships; to prohibit certain practices; and to provide further for meetings and officers of the board.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 152, to-wit:

### AMENDMENT TO H. B. 152

Amend House Bill 152, Page 3, Line 1, by deleting "occupaney" after the word assembly and inserting in lieu thereof "occupancy"

Further amend Page 6, Line 22, by deleting "arthitech" after the word status and inserting in lieu thereof "architect"

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Corbett | Hale     | Menton    |     |
| Amari     | Dixon   | Hand     | Preuitt   |     |
| Bedsole   | Ellis   | Holmes   | Rice      |     |
| Bennett   | Figures | Horn     | Sanders   |     |
| Bishop    | Foshee  | Langford | Smith (B) |     |
| Cabaniss  | Goodwin | Manley   | Smith (J) |     |
| Campbell  |         |          |           | —24 |

*Nays:* —0

Senator Manley offered the following amendment to the Bill, H. B. 152, as amended, to-wit:

#### AMENDMENT TO H. B. 152, AS AMENDED

Amend House Bill 152, Page 5, Line 11, by striking out 1986 after the number 30, and substitute 1987.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Corbett | Hale     | Menton    |     |
| Amari     | Denton  | Hand     | Preuitt   |     |
| Bedsole   | Dixon   | Holmes   | Rice      |     |
| Bennett   | Ellis   | Horn     | Sanders   |     |
| Bishop    | Figures | Langford | Smith (B) |     |
| Cabaniss  | Foshee  | Manley   | Smith (J) |     |
| Campbell  | Goodwin |          |           | —25 |

*Nays:* —0

#### RECESS

At 11:50 A.M., on motion of Senator Corbett, the Senate took a recess until 1:15 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

#### FURTHER CONSIDERATION OF H. B. 152, AS AMENDED

The Senate proceeded to further consideration of the Bill, H. B. 152, as amended.

And said Bill, H. B. 152, as amended, was read a third time at length and passed.



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13th Day

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Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Menton    |     |
| Barron    | Dial          | Holmes   | Sanders   |     |
| Bedsole   | Dixon         | Horn     | Smith (B) |     |
| Bishop    | Foshee        | Langford | Smith (J) |     |
| Campbell  | Goodwin       | Manley   |           | —18 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., H. B. 153, adopted.

Yeas 18; Nays 0.

*Yeas:*

|           |          |        |           |     |
|-----------|----------|--------|-----------|-----|
| Senators: | Campbell | Hale   | Menton    |     |
| Barron    | Dial     | Hand   | Sanders   |     |
| Bedsole   | Dixon    | Holmes | Smith (B) |     |
| Bennett   | Foshee   | Horn   | Smith (J) |     |
| Bishop    | Goodwin  | Manley |           | —18 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Section 34-17-2, specifically, and as provided in Sections 34-17-1 through 34-17-27, generally, of the Code of Alabama 1975, with one modification; to amend Section 34-17-25 so as to provide further for application fees for examination by the board.

was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

|           |               |         |          |     |
|-----------|---------------|---------|----------|-----|
| Senators: | Campbell      | Dixon   | Holmes   |     |
| Barron    | Corbett       | Foshee  | Horn     |     |
| Bedsole   | Covington     | Goodwin | Langford |     |
| Bennett   | deGraffenried | Hale    | Menton   |     |
| Bishop    | Dial          | Hand    | Sanders  |     |
| Cabaniss  |               |         |          | —20 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., H. B. 154, adopted.

Yeas 18; Nays 0.

*Yeas:*

|               |         |          |           |     |
|---------------|---------|----------|-----------|-----|
| Senators:     | Dial    | Hale     | Menton    |     |
| Barron        | Dixon   | Hand     | Sanders   |     |
| Bennett       | Ellis   | Holmes   | Smith (B) |     |
| Cabaniss      | Foshee  | Horn     | Smith (J) |     |
| deGraffenried | Goodwin | Langford |           | —18 |
| <i>Nays:</i>  |         |          |           | —0  |

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board for General Contractors as provided in Section 34-8-20, specifically, and in Sections 34-8-1 through 34-8-27, generally, of the Code of Alabama 1975 with one modification; to amend Section 34-8-9 so as to issue building permits in the county area.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 154, to-wit:

**AMENDMENT TO H. B. 154**

Amend House Bill 154, Page 1, Line 34, by deleting "Baord" after the word Licensing and inserting in lieu thereof "Board"

Further amend Page 3, Line 3, by deleting "eimmediately" and inserting in lieu thereof "immediately"

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

|              |               |         |           |     |
|--------------|---------------|---------|-----------|-----|
| Senators:    | Corbett       | Foshee  | Langford  |     |
| Barron       | deGraffenried | Goodwin | Menton    |     |
| Bedsole      | Dial          | Hale    | Preuitt   |     |
| Bennett      | Dixon         | Hand    | Rice      |     |
| Bishop       | Ellis         | Holmes  | Sanders   |     |
| Cabaniss     | Figures       | Horn    | Smith (B) |     |
| Campbell     |               |         |           | —24 |
| <i>Nays:</i> |               |         |           | —0  |

And said Bill, H. B. 154, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

|              |               |          |           |     |
|--------------|---------------|----------|-----------|-----|
| Senators:    | deGraffenried | Hale     | Preuitt   |     |
| Bedsole      | Dixon         | Hand     | Rice      |     |
| Bennett      | Ellis         | Holmes   | Sanders   |     |
| Bishop       | Figures       | Horn     | Smith (B) |     |
| Cabaniss     | Foshee        | Langford | Smith (J) |     |
| Campbell     | Goodwin       | Menton   |           | —22 |
| <i>Nays:</i> |               |          |           | —0  |

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., H. B. 155, adopted.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Preuitt   |
| Barron    | Dixon         | Hilliard | Rice      |
| Bedsole   | Ellis         | Holmes   | Sanders   |
| Bennett   | Figures       | Horn     | Smith (B) |
| Bishop    | Foshee        | Langford | Smith (J) |
| Cabaniss  | Goodwin       | Menton   |           |

—22

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors as provided in Section 34-11-30, specifically, and Sections 34-11-1 through 34-11-37, generally, of the Code of Alabama 1975; with certain modifications; to amend Sections 34-11-11 and 34-11-13, so as to provide further for the disciplinary actions of the board and to provide further for the civil appeal procedure for actions of the board.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Menton    |
| Barron    | Denton        | Hilliard | Preuitt   |
| Bedsole   | Dixon         | Holmes   | Rice      |
| Bennett   | Ellis         | Horn     | Sanders   |
| Bishop    | Figures       | Langford | Smith (B) |
| Cabaniss  | Foshee        | Manley   | Smith (J) |
| Corbett   | Goodwin       |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., H. B. 156, adopted.

Yeas 24; Nays 0.

*Yeas:*

|               |         |          |           |
|---------------|---------|----------|-----------|
| Senators:     | Denton  | Hand     | Menton    |
| Barron        | Dixon   | Hilliard | Preuitt   |
| Bedsole       | Ellis   | Holmes   | Rice      |
| Bennett       | Figures | Horn     | Sanders   |
| Bishop        | Foshee  | Langford | Smith (B) |
| Cabaniss      | Goodwin | Manley   | Smith (J) |
| deGraffenried |         |          |           |

—24

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Section 34-3-2 of the Code of Alabama 1975; and the legislature's concurrence thereof. was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Parsons   |
| Barron    | Denton        | Hilliard | Preuitt   |
| Bedsole   | Dial          | Holmes   | Rice      |
| Bennett   | Dixon         | Horn     | Sanders   |
| Bishop    | Ellis         | Langford | Smith (B) |
| Cabaniss  | Foshee        | Manley   | Smith (J) |
| Corbett   | Goodwin       | Menton   |           |

—26

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., H. B. 157, adopted.

Yeas 21; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hilliard | Menton    |
| Barron    | Dixon         | Holmes   | Preuitt   |
| Bedsole   | Ellis         | Horn     | Rice      |
| Bennett   | Foshee        | Langford | Sanders   |
| Bishop    | Goodwin       | Manley   | Smith (B) |
| Cabaniss  | Hand          |          |           |

—21

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board as provided in Section 34-25-4, specifically, and Sections 34-25-1 through 34-25-36, generally, of the Code of Alabama 1975; with one modification to amend Section 34-25-24, so as to increase out-of-state licensees' fees.

was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Goodwin  | Manley    |
| Barron    | deGraffenried | Hand     | Menton    |
| Bedsole   | Dial          | Hilliard | Preuitt   |
| Bennett   | Dixon         | Holmes   | Rice      |
| Bishop    | Ellis         | Horn     | Sanders   |
| Cabaniss  | Foshee        | Langford | Smith (B) |
| Corbett   |               |          |           |

—24

*Nays:*

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., H. B. 158, adopted.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Hand     | Menton    |     |
| Barron    | deGraffenried | Hilliard | Preuitt   |     |
| Bedsole   | Dial          | Holmes   | Rice      |     |
| Bennett   | Dixon         | Horn     | Smith (B) |     |
| Bishop    | Ellis         | Langford | Smith (J) |     |
| Cabaniss  | Goodwin       | Manley   |           | —22 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Surface Mining Commission as provided in Section 9-16-33, specifically, and Sections 9-16-1 through 9-16-53, generally, of the Code of Alabama 1975; and the legislature's concurrence thereof.

was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hand     | Parsons   |     |
| Barron    | Dial          | Hilliard | Preuitt   |     |
| Bedsole   | Dixon         | Holmes   | Rice      |     |
| Bennett   | Ellis         | Horn     | Sanders   |     |
| Cabaniss  | Figures       | Langford | Smith (B) |     |
| Corbett   | Foshee        | Manley   | Smith (J) |     |
| Covington | Goodwin       | Menton   |           | —26 |

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Drake:

H. J. R. 235. DESIGNATING THE WEEK OF MAY 31-JUNE 6, 1987, AS "ALABAMA POULTRY WEEK."

Also:

By Rep. Buskey (JL):

H. J. R. 237. RECOGNIZING THE HISTORIC OCCASION OF THE 135th ANNIVERSARY OF MONTGOMERY'S OLD SHIP A.M.E. ZION CHURCH.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Bedsole, the Rules were suspended and the Resolution, H. J. R. 235, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Sanders, the Rules were suspended and the Resolution, H. J. R. 237, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**RESOLUTIONS**

Senators Bedsole and Hand offered the following Senate Resolution, to-wit:

**S. R. 82. RECOGNIZING THE ACCOMPLISHMENTS OF THE FRIENDS OF SEARCY HOSPITAL FOUNDATION.**

Which was filed.

Senator Dial requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**S. J. R. 83. ENCOURAGING LOCAL BOARDS OF EDUCATION TO ADOPT A CALENDAR PROVIDING FOR AN OPENING SCHOOL DATE ON TUESDAY FOLLOWING LABOR DAY.**

WHEREAS, the Legislature of Alabama has an abiding interest in the furtherance of quality education for the children of this state; and

WHEREAS, public elementary and secondary schools of this state begin their academic years on different dates based on calendars adopted by each local school board; and

WHEREAS, citizens of this state whose children attend public schools live in a mobile society which forces some of those families to relocate during the school year; and

WHEREAS, the practice of differing opening dates for the various public elementary and secondary school can have an impact on those students' academic progress; and

WHEREAS, the practice of a unified opening school day may have a positive fiscal impact in the form of additional lodging tax, sales tax and other tourism dollars during the last week of August, and first week of September, and

WHEREAS, those potential new tax dollars could increase the revenues of the Alabama Special Education Trust fund; and

WHEREAS, the Legislature of Alabama recognizes the importance of local lay control of public schools;

NOW THEREFORE BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that the several local boards of education throughout the state are encouraged to adopt a calendar providing for an opening school date on the Tuesday following labor day.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Corbett and Manley requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**S. J. R. 84. COMMENDING GALLASNEED WEAVER OF WASHINGTON COUNTY, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT.**

WHEREAS, the Alabama Legislature notes with commendation and esteem the numerous accomplishments of Gallasneed Weaver who resides in Washington County, Alabama, and is a 1987 selection for the Bacone College Hall of Fame; and

WHEREAS, born November 16, 1933, the eldest of nine children, Mr. Weaver attended Acadia Baptist Academy in Eunice, Louisiana; he is a graduate of Bacone College, of Redlands College with the B.A. degree, the University of South Alabama with a master's degree, and received the AA administrative certificate from Livingston State University in 1986; and

WHEREAS, Mr. Weaver, who became a Baptist minister at the age of 15 years, has served as pastor of Rivers Baptist Church since 1961; he also taught in the Indian schools in Washington County from 1960 to 1969 and has since served as principal at Reeds Chapel School; and

WHEREAS, he further holds the distinction of being the first Indian to run for an elective office in Washington County and has served two terms (1984-85 and 1985-86) as chairman of the Alabama Indian Affairs Commission; and

WHEREAS, Gallasneed Weaver's inclusion in the Bacone College Hall of Fame is indeed highest recognition of his numerous contributions in the Indian world and his service to his own people in the political, civic, religious, educational and tribal arenas; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Gallasneed Weaver of Washington County, Alabama, for outstanding achievement and for longtime service to his people, the community, the State of Alabama and the nation.

**BE IT FURTHER RESOLVED,** That Mr. Weaver receive a copy of this resolution that we execute in sincere admiration and in warmest personal regard.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

### **INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Sanders (With Notice and Proof):

**S. 489.** Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 489, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bedford, Amari, and Corbett:

S. 490. Renaming the Plumbers Examining Board established by Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended; continuing the existence of such board; authorizing such board to exercise certain statewide licensing authority over plumbers and gas fitters; defining certain terms relating to plumbing and gas fitting as used in this act; prescribing procedures for appointing successors to the current members of such board; prescribing regulations relative to the scope of authority of local and state licenses issued to plumbers and gas fitters; prescribing procedures for the testing and licensing of plumbers and gas fitters under this act; providing for the compensation and expenses of the members of such board and its hired or contracted employees; authorizing such board to adopt a fee schedule; prescribing procedures for revoking licenses; authorizing such board to enter into certain reciprocity agreements with other states; prescribing penalty for violation of this act and providing for supplemental effect.

Committee on Governmental Affairs.

By Senator Corbett:

S. 491. To amend Section 16-25-19, Code of Alabama 1975, so as to give the Alabama Labor Council, AFL-CIO representation on the board of control of the State Teachers' Retirement System.

Committee on Business and  
Labor Relations.

By Senator Corbett:

S. 492. To amend Section 16-24-31, Code of Alabama 1975, relating to the state tenure commission to give the Alabama Labor Council representation equal to that held by the Alabama Education Association on the Commission.

Committee on Business and  
Labor Relations.

### REPORT OF COMMITTEE

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Hand:

S. 193. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

By Senators Cabaniss and Amari:

S. 55. To establish an Alabama Men's Hall of Fame; prescribes its purposes and membership; and provides for election of members and officers and for holding of meetings.



By Senator Smith (J):

S. 84. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

By Senator Smith (J):

S. 83. To provide for an Alabama Trade Secrets Act. To provide definitions, considerations for determining misappropriation, the remedies available for actual and threatened misappropriation and provide a two year statute of limitations.

### RESOLUTIONS

Senator Barron offered the following Senate Resolutions, to-wit:

S. R. 85. MOURNING THE DEATH OF JOHN FOSTER GREEN OF FORT PAYNE, ALABAMA.

Also:

S. R. 86. MOURNING THE DEATH OF EMMETT HOPSON SEWELL OF FORT PAYNE, ALABAMA.

Which were filed.

Senators Langford, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hilliard, Holmes, Horn, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 87. WISHING OUR COLLEAGUE, SENATOR PERRY HAND, A VERY HAPPY BIRTHDAY.

Which was filed.

The Standing Committee on Rules offered the following Senate Joint Resolution, to-wit:

S. R. 88. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following bills shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

| BILL NO. | DESCRIPTION                                                                                                                                                                                                                            | PAGE NO. |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| S. 189   | Gasohol, tax exemptions repealed, Secs. 40-17-130 through 40-17-133 repealed                                                                                                                                                           | 1        |
| S. 88    | Insurance Commissioner, election procedure and salary, insurance rate-making procedures prescribed, bond req., Secs. 27-2-2, 27-2-4, 27-3-26, 27-13-66, 27-13-68, 27-13-81, 27-13-83 am'd. Secs. 27-13-71, 27-13-72, 27-13-80 repealed | 2        |

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 189. To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol.

and pending Foshee substitute for the Holmes substitute No. 3, which said substitutes are set out in the Journal of the Senate for the Twelfth Legislative Day.

On motion of Senator Foshee, his substitute for the Holmes No. 3 substitute for the Bill, S. B. 189, was laid on the table.

The question recurred on the Holmes substitute No. 3 for the Bill, S. B. 189.

Senator Holmes then offered the following substitute No. 4 for his substitute No. 3 for the Bill, S. B. 189, to-wit:

**SUBSTITUTE NO. 4 FOR SUBSTITUTE NO. 3**  
**FOR S. B. 189****A BILL**  
**TO BE ENTITLED**  
**AN ACT**

To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol and to provide for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Effective December 1, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which relate to reduction of rate of taxation on gasohol are hereby expressly repealed. Effective August 1, 1987, the amount of excise tax on gasohol provided for in subsection (a) of Section 40-17-132 shall be reduced by one cent per gallon less than gasoline. Effective July 1, 1988, the amount of excise tax on gasohol provided for in subsection (a) of Section 40-17-132 shall be reduced by one cent per gallon less than gasoline. Effective December 31, 1988, the reduced rate of taxation granted in subsection (a) of Section 40-17-132 for gasohol shall terminate.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 4.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Ellis    | Langford  |
| Amari     | Campbell      | Foshee   | Menton    |
| Bailey    | deGraffenried | Hand     | Rice      |
| Barron    | Dial          | Hilliard | Sanders   |
| Bedsole   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |

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*Nays:*

|           |         |         |         |    |
|-----------|---------|---------|---------|----|
| Senators: | Corbett | Goodwin | Parsons |    |
| Bennett   |         |         |         | —4 |

And said Holmes substitute No. 3, as amended by the Holmes substitute No. 4, was then adopted.

Yeas 28; Nays 3.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Figures  | Manley    |     |
| Amari     | Covington     | Foshee   | Menton    |     |
| Barron    | deGraffenried | Goodwin  | Preuitt   |     |
| Bedsole   | Denton        | Hale     | Rice      |     |
| Bennett   | Dial          | Hand     | Sanders   |     |
| Bishop    | Dixon         | Holmes   | Smith (B) |     |
| Cabaniss  | Drinkard      | Langford | Smith (J) |     |
| Campbell  |               |          |           | —28 |

*Nays:*

|           |        |          |         |    |
|-----------|--------|----------|---------|----|
| Senators: | Bailey | Hilliard | Parsons | —3 |
|-----------|--------|----------|---------|----|

And said Bill, S. B. 189, as thus amended by the Holmes substitute No. 3, as amended by the Holmes substitute No. 4, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 31; Nays 3.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Ellis   | Langford  |     |
| Amari     | Corbett       | Figures | Manley    |     |
| Barron    | Covington     | Foshee  | Menton    |     |
| Bedford   | deGraffenried | Goodwin | Preuitt   |     |
| Bedsole   | Denton        | Hale    | Rice      |     |
| Bennett   | Dial          | Hand    | Sanders   |     |
| Bishop    | Dixon         | Holmes  | Smith (B) |     |
| Cabaniss  | Drinkard      | Horn    | Smith (J) | —31 |

*Nays:*

|           |        |          |         |    |
|-----------|--------|----------|---------|----|
| Senators: | Bailey | Hilliard | Parsons | —3 |
|-----------|--------|----------|---------|----|

Senator Ellis requested and received unanimous consent to have his name removed as co-sponsor of the above Bill, S. B. 189.

### RESOLUTION

Senators Foshee, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 89. EXPRESSING ITS SENTIMENT REGARDING A RECENTLY PUBLISHED ARTICLE BY THE MOBILE PRESS REGISTER.

WHEREAS on Friday, May 15, 1987, a headline appeared in the Mobile Press Register relating to a missed vote on "Tort Reform" by Senator Bill Menton and

WHEREAS it is the consensus of the Alabama Senate that the Press Register has blatantly misled its readers, thereby rendering a grave injustice to the public and most particularly, to Senator Menton and

WHEREAS neither the paper's headline nor the related article gave any explanation of the Senator's absence and thereby implying an act of negligence on the part of our colleague from Mobile and

WHEREAS although the vote in question was indeed missed, the Press Register failed to advise its readers that Senator Menton was at Alba High School in Bayou La Batre for the purpose of presenting an annual award to the school's most outstanding athlete, an award that was established in honor and memory of the Senator's deceased son, Frank, a former student athlete at Alba High School who was killed in an automobile accident in November of 1980 and

WHEREAS responsible journalism begins and ends with a factual report to the public of who, what, where, why and when; in this case and through its omission of "why", the Mobile Press Register has miserably failed its readers and in doing so, has done Senator Bill Menton a grave injustice,

NOW THEREFORE BE RESOLVED That we hereby express opposition and exception to an obvious failure of the Mobile Press Register to report only a part of the entire story and we hereby further request that a public apology be issued to Senator Menton and that a copy of this Resolution be published in the newspaper's "Letters to the Editor" column.

Which was adopted.

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates

and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

having been postponed on the Eleventh Legislative Day as Unfinished Business, was again taken up.

The question was on the Cabaniss amendment, which said amendment is set out in the Journal of the Senate for the Eleventh Legislative Day.

On motion of Senator Bishop, said amendment was laid on the table.

Yeas 17; Nays 16.

*Yeas:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Bishop    | Hilliard | Menton  |
| Amari     | Corbett   | Holmes   | Parsons |
| Bailey    | Covington | Horn     | Rice    |
| Bedford   | Figures   | Langford | Sanders |
| Bennett   | Goodwin   |          |         |

—17

*Nays:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Ellis  | Manley    |
| Barron    | Denton        | Foshee | Preuitt   |
| Bedsole   | Dial          | Hale   | Smith (B) |
| Cabaniss  | Dixon         | Hand   | Smith (J) |
| Campbell  |               |        |           |

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Senator Cabaniss then offered the following amendment No. 2 to the Bill, S. B. 88, to-wit:

#### AMENDMENT NO. 2 TO S. B. 88

On page 1, lines 11 through 13, delete the language "make such commissioner an elected officer of the state and provides" and insert in lieu thereof:

provide further for the appointment of the commissioner and

On page 2, lines 5 through 6, delete the language "make such commissioner an elected officer of the state" and insert in lieu thereof:

provide further for the appointment of the commissioner

On page 3, lines 13 through 28, delete the following language:

"§27-2-2.

"(a) A commissioner of insurance shall be chief executive officer of the department. The commissioner shall be elected on the first Tuesday after the first Monday in November 1988, and every fourth year thereafter, in accordance with the laws of this state appointed by the governor. He shall

serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.

~~“(b) The commissioner shall be selected with special reference to his training, experience and capacity. He shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated.”~~

and insert in lieu thereof the following:

“§27-2-2.

“(a) A commissioner of insurance shall be chief executive officer of the department. The commissioner shall be appointed by the governor insurance commissioner advisory board. The board shall be composed of five members, one of whom shall be appointed by the lieutenant governor, one by the speaker of the house of representatives, and three by the governor. He The commissioner shall serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.

“(b) The commissioner shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated.”

On motion of Senator Corbett, said amendment was laid on the table.

Senator Rice offered the following amendment to the Bill, S. B. 88, to-wit:

#### AMENDMENT TO S. B. 88

On page 1, lines 11 through 13, delete the language “make such commissioner an elected officer of the state and provides” and insert in lieu thereof:

provide further for the appointment of the commissioner and

On page 2, lines 5 through 6, delete the language “make such commissioner an elected officer of the state” and insert in lieu thereof:

provide further for the appointment of the commissioner

On page 3, lines 13 through 28, delete the following language:

“§27-2-2.

~~“(a) A commissioner of insurance shall be chief executive officer of the department. The commissioner shall be elected on the first Tuesday after the first Monday in November 1988, and every fourth year thereafter, in accordance with the laws of this state appointed by the governor. He shall serve for a term concurrent with that of the governor by whom he is appointed, or for the unexpired portion thereof.~~

~~“(b) The commissioner shall be selected with special reference to his training, experience and capacity. He shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated.”~~

and insert in lieu thereof the following:

“§27-2-2.

“(a) A commissioner of insurance shall be chief executive officer of the department. The commissioner shall be appointed by the ~~governor~~ insurance commissioner advisory board. The board shall be composed of five members, one a member of the Senate who shall be appointed by the lieutenant governor, one a member of the House of Representatives who shall be appointed by the speaker of the house of representatives, and three by the governor. ~~He~~ The commissioner shall serve for a term concurrent with that of the governor ~~by whom he is appointed~~, or for the unexpired portion thereof.

“(b) The commissioner shall not be a candidate for, nor hold, any other public office of trust nor be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee, his office as commissioner shall be immediately vacated.”

Senator Bishop moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 18.

Yeas:

|           |           |          |         |     |
|-----------|-----------|----------|---------|-----|
| Senators: | Bennett   | Figures  | Menton  |     |
| Amari     | Bishop    | Goodwin  | Parsons |     |
| Bailey    | Corbett   | Horn     | Sanders |     |
| Bedford   | Covington | Langford |         | —14 |

Nays:

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Preuitt   |     |
| Barron    | Denton        | Hale   | Rice      |     |
| Bedsole   | Dial          | Hand   | Smith (B) |     |
| Cabaniss  | Dixon         | Holmes | Smith (J) |     |
| Campbell  | Ellis         | Manley |           | —18 |

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Section 34-17-2, specifically, and as provided in Sections 34-17-1 through 34-17-27, generally, of the Code of Alabama 1975, with one modification; to amend Section 34-17-25 so as to provide further for application fees for examination by the board.

Also:

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors as provided in Section 34-11-30, specifically, and Sections 34-11-1 through 34-11-37, generally, of the Code of Alabama 1975; with certain modifications; to amend Sections 34-11-11 and 34-11-13, so as to

provide further for the disciplinary actions of the board and to provide further for the civil appeal procedure for actions of the board.

Also:

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Section 34-3-2 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Also:

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board as provided in Section 34-25-4, specifically, and Sections 34-25-1 through 34-25-36, generally, of the Code of Alabama 1975; with one modification to amend Section 34-25-24, so as to increase out-of-state licensees' fees.

Also:

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Surface Mining Commission as provided in Section 9-16-33, specifically, and Sections 9-16-1 through 9-16-53, generally, of the Code of Alabama 1975; and the legislature's concurrence thereof.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 235. DESIGNATING THE WEEK OF MAY 31-JUNE 6, 1987, AS "ALABAMA POULTRY WEEK."

Also:

H. J. R. 237. RECOGNIZING THE HISTORIC OCCASION OF THE 135th ANNIVERSARY OF MONTGOMERY'S OLD SHIP A.M.E. ZION CHURCH.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing



House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RESOLUTIONS

Senator Covington offered the following Senate Resolutions, to-wit:

S. R. 90. WISHING MRS. MATTIE SNELL GRANTHAM OF BERTHA, ALABAMA, A VERY HAPPY 90TH BIRTHDAY.

Also:

S. R. 91. EXTENDING BEST BIRTHDAY WISHES TO MISS LONIE MAE COVINGTON OF BERTHA, ALABAMA.

Which were filed.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Beers, Drake, White (G), Grouby, Payne, White (F), Hamilton, Hooper, Knight, Petelos, Gray, McKee, Butler, Rains, Wright, Logan, Hill, Dillard, Mikell, Kvalheim, Gaston, Blakeney, Hall, Holley, Richardson, Junkins, Curry, Bowling, Adams, Cosby, Blake, Turnham, Carothers, Biddle, Slaughter, Walker, Laird, Beasley, Layson, Breedlove, Mathis, Frazier, Flowers, Johnson (RG), Hammett, Venable, McClain, Turner, Hogan, and Moon:

H. 346. To provide that no person shall perform an abortion on an unemancipated minor without parental involvement of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 346—to the Committee on Judiciary

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 189. To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol and to provide for an effective date.

JIM SMITH,  
Chairperson.

### **ADJOURNMENT**

At 4:30 P.M., on motion of Senator Covington, and pending further consideration of the Bill, S. B. 88, the Senate adjourned until Tuesday, June 2, 1987, at 2 o'clock P.M.

## **FOURTEENTH LEGISLATIVE DAY**

**TUESDAY, JUNE 2, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Charles Voltz, Montgomery Academy, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Langford  |
| Amari     | Corbett       | Foshee   | Manley    |
| Bailey    | Covington     | Goodwin  | Menton    |
| Barron    | deGraffenried | Hale     | Parsons   |
| Bedford   | Denton        | Hand     | Preuitt   |
| Bedsole   | Dial          | Hilliard | Rice      |
| Bennett   | Dixon         | Holmes   | Sanders   |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         |          |           |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Smith (B) for today.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator deGraffenried (With Notice and Proof):

S. 493. Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, which provides for the adjustment of benefits for sickness or other disabilities, or retirement for disability, so as to provide revised amounts for monthly benefits for temporary disability arising as a result of service in departments or any disability occurring after ten years of service in the departments, and retirement for permanent disability, amend the payments to dependents, clarify the limitations on amount of pension benefits, and to provide certain benefits to individuals who are receiving benefits under Act No. 187, S. 339, 1951 Regular Session.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 493, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 494. Relating to Class I municipalities, to provide that the courts of this state shall take judicial notice of all municipal ordinances of such municipalities.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 494, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard:

S. 495. To amend Section 12-21-73, Code of Alabama 1975, as amended, relating to evidentiary procedures and proof of certain official documents, so as to prescribe that each circuit court shall take judicial notice of any ordinance, civil or criminal, of any municipality within its jurisdiction; and to provide that this act shall supersede any laws, parts of laws or rules of court.

Committee on Judiciary.

By Senator Hilliard (With Notice and Proof):

S. 496. Relating to the City of Birmingham in Jefferson County; to further amend Act No. 1272, 1973 Regular Session, which provides a retirement and relief system for officers and employees of each city of the State of Alabama having a population of 250,000 or more inhabitants according to the last or any succeeding federal census, so as to provide a retirement benefit for officers or employees of such cities who have attained the age of seventy (70) years or more, who have ten (10) or more but fewer than fifteen (15) years of credited service.

Committee on Local Legislation No. 2.

REGULAR SESSION  
14th Day

651

I hereby certify that the notice and proof is attached to the Bill, S. B. 496, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Holmes (With Notice and Proof):

S. 497. Relating to Calhoun County; authorizing the county commission and the governing bodies of the municipalities located within the county to establish reasonable criteria for the issuance and renewal of licenses for the sale of alcoholic beverages.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 497, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedsole (With Notice and Proof):

S. 498. Relating to Mobile County; providing for the acceptance of certain unimproved roads and regulating the construction of certain other unimproved roads.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 498, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Goodwin and Holmes:

S. 499. To provide badges to survivors of peace officers killed in the line of duty and to provide retirement badges to officers disabled in line of duty.

Committee on Judiciary.

By Senator Bailey:

S. 500. To make a supplemental appropriation to the Children's Trust Fund for the operation of said trust, from the general fund of the state treasury, for the fiscal year ending September 30, 1987; providing that no balance of such funds, at the end of the fiscal year, shall revert to the general fund of the state treasury but shall continue until the said additional appropriation is depleted.

Committee on Finance and Taxation.

By Senator Sanders:

S. 501. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 502. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 503. To propose an amendment to the Constitution of Alabama of 1901 for Greene County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 504. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 505. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senators Sanders and Goodwin:

S. 506. To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more presently operating with five single-member districts as established under a Federal Court Order, so as to provide for a procedure to establish a council of eight aldermen to be elected from districts and a council president to be elected at large.

Committee on Local Legislation No. 1.

By Senators Hale, Menton, Bailey, Bedsole, Preuitt, Holmes, Cabaniss, Hand, Dixon, Smith (J), and Barron:

S. 507. Relating to all civil actions in tort, contract or otherwise against real estate developers who construct or perform or manage construction of an improvement on or to real property by employing or contracting with builders, architects, engineers or any combination thereof, arising out of any

defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; providing a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; providing a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; providing when a cause of action accrues or arises; providing that this act does not apply to causes of action which have accrued prior to its effective date; providing that this act does not create any cause of action against such real estate developers, or any other persons; excluding causes or rights of action against manufacturers of products; extending the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; defining certain terms and repealing all conflicting laws.

Committee on Judiciary.

By Senator Hale:

S. 508. Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

Committee on Finance and Taxation.

By Senators Preuitt, Dixon, Dial, Figures, Barron, and Rice:

S. 509. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide certain qualifications for constables, to provide for abolishing the office by local referendum and to provide for the removal of constables from office in certain instances.

Committee on Judiciary.

By Senators Dial, Foshee, and Rice:

S. 510. To amend Section 37-1-12.1, Code of Alabama 1975, by providing for the number of technical personnel to be hired under that Section, to provide for the compensation of such personnel, and to provide that employment of such personnel not be subject to the approval of the State Personnel Board.

Committee on Commerce,  
Transportation, and Utilities.

By Senator Rice:

S. 511. To provide for a minimum salary for all police officers of this state and to provide for enforcement of the provisions of this act.

Committee on Governmental Affairs.

By Senator Rice:

S. 512. Relating to county or municipal or district water, sewer, or fire protection authorities incorporated pursuant to Chapters 88 or 89, Title 11, Code of Alabama 1975, which chapters provide for the process of creating such entities, so as to allow any such authority to contract with any other

authority for the collection by either authority of any charges, fees, penalties, or other monetary sum due or to be due from a user or customer of the service or services of either authority; authorizing certain contractual provisions for the collecting authority relating to the imposition of charges, sanctions and penalties of either contracting authority imposed for nonpayment.

Committee on Governmental Affairs.

By Senator Rice:

S. 513. To require the Department of Human Resources to employ ten (10) additional day care licensing personnel, and to provide for a supplemental appropriation to the department from the state general fund for the fiscal year ending September 30, 1988.

Committee on Public Welfare.

By Senator Rice:

S. 514. Relating to the Office of Day Care in the Department of Human Resources, so as to provide for a supplemental appropriation for the department for fiscal year ending September 30, 1988, to employ personnel with expertise to develop a computer information program for child care data.

Committee on Public Welfare.

By Senator Rice:

S. 515. To amend Section 38-7-2, Code of Alabama 1975, relating to child care, so as to redefine the term "day care home" and provide further therefor.

Committee on Public Welfare.

By Senator Parsons:

S. 516. To further provide for eligibility for supernumerary district attorney status; to further amend Sections 12-17-210 through 12-17-214, Code of Alabama 1975, relating to qualifications for supernumerary district attorney status, so as to provide that any elected deputy district attorney of the tenth judicial circuit (Bessemer Division) shall be included.

Committee on Judiciary.

By Senator Parsons:

S. 517. Relating to the enforcement of city ordinances by certain municipalities; and to provide that no municipality can enforce a city ordinance in an area of its police jurisdiction where the appeal from the municipal court lies in a county other than the county seat of the county in which the city hall of such municipality lies.

Committee on Governmental Affairs.



By Senator Parsons:

S. 518. To provide a minimum admission age for pari-mutuel betting facilities and to provide criminal penalties for persons who violate the provisions of this act.

Committee on State Development  
and Tourism.

By Senator Amari:

S. 519. To provide that the ad damnum clause in complaints wherein recovery is sought for personal injury or death shall be eliminated and in place of a claim for specific monetary damages, such complaints shall contain instead a general claim for relief.

Committee on Judiciary.

By Senator Ellis (With Notice and Proof):

S. 520. To alter and rearrange the boundaries of the city of Pelham in Shelby County, so as to exclude and include certain territory from the corporate limits of the city.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 520, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Figures, Menton, and Amari:

S. 521. To define the crime of juror harassment; to prescribe for criminal felony punishment.

Committee on Judiciary.

By Senator Ellis (With Notice and Proof):

S. 522. To alter and rearrange the boundaries of the city of Helena in Shelby County, so as to exclude and include certain territory from the corporate limits of the city.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 522, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hale (With Notice and Proof):

S. 523. Relating to Madison County; repealing Act No. 882, H. 1958, 1973 Regular Session, which entitles the register of the circuit court to certain fees in court cases.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 523, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron:

S. 524. To specifically exempt all purchases made with food stamps from all state, county and municipal sales and use taxes; to make such exemption contingent upon the continued requirement of federal law that conditions the states' participation in the food stamp program upon exempting purchases made with food stamps; to provide that the provisions of this act shall become inoperative, null and void if the food stamp sales tax amendment is either ruled unconstitutional or unenforceable by a federal court or is repealed by Congress; and to provide that provisions of the act shall become operative on October 1, 1987.

Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper and White (G):

H. 270. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 270—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Beasley (With Notice and Proof):

H. 632. Relating to Henry County; providing for the composition of the Henry County Commission; providing that the Judge of Probate shall serve as a non-voting chairperson for the county commission; providing for election of county commissioners from single-member districts and defining the single-member commission districts; prescribing the manner of election and terms of the members of the county commission; providing that members of the county commission shall reside within the boundaries of their respective commission districts; providing for filling vacancies on the county commission and providing that this act shall have retroactive effect to the election of the members of the Henry County Commission in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 632, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 632—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Harper:

H. 263. To amend Act No. 86-645, Acts of Alabama, First Extraordinary Session, 1986, by repealing Section 2 of said Act; and to provide for the transfer back of funds heretofore transferred from the state insurance fund pursuant to Act No. 86-645, by the State Finance Director with approval of the Governor.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 263—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Escott (With Notice and Proof):

H. 457. To amend Article III, Section 9 of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended by Act No. 791 of the Regular Session of the Legislature of Alabama of 1975, said section relating to investment of the fund established for a retirement and relief system for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census as established originally by Act No. 929 of

the Regular Session of the Legislature of Alabama of 1951, as amended, said Article III, Section 9 to be amended in full to provide that the Board of Managers of any such fund shall also have authority to approve investments of the fund after their making by the designee of the Board, to provide that investments of the fund in bonds and stocks of private corporations shall not exceed sixty-five percent of the funds available for investment, and, to provide that investments in stocks of private corporations shall not exceed forty percent of the funds available for investment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 457, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 457—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Fuller, Carter, Harper, Higginbotham, Campbell, Box, McMillan, Adams, Burke, Kvalheim, Junkins, McKee, Layson, McClain, White (L), Williams, Davis, White (G), Freeman, Gaston, Kennedy, Marietta, Zoghby, Wright, and Turnham:

H. 184. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-178, 12-19-179 and 12-14-14, Code of Alabama 1975, to increase the fees and costs in circuit, district, and municipal courts; to further provide for the distribution of fees and costs in circuit, district and municipal courts so as to enhance that portion of the fees and costs that are distributed to the state general fund, to the various county general funds, and to municipalities; to further provide for the costs assessed in municipal courts; to provide for the appropriation from the State General Fund of the increase in said fees and costs that are distributed to the State General Fund; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 184—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (With Notice and Proof):

H. 627. Relating to Macon County; to amend Sections 9 and 15 of Act No. 83-575, 1983 Regular Session, relating to the Macon County Racing Commission so as to provide for an orderly flow of the distribution of the proceeds of the commission; to provide further for the distribution of the proceeds to Shorter, Alabama and to the Macon County Sheriff's Department; to correct certain arithmetic errors relating to the distribution of the net proceeds of fees, commissions, taxes and other monies received by said Macon County Racing Commission from the operation of said race track; and to correct the titles of certain institutions and departments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 627, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 627—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

Also:

S. 218. Relating to the City of Jacksonville, Calhoun County; authorizing the Jacksonville City governing body to levy an additional ad valorem tax in School District Number 53 to be used for educational purposes and providing for a referendum on such taxes.

Also:

S. 320. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Beasley (With Notice and Proof):

H. 633. Relating to Henry County; providing for the composition of the board of education; providing for the election of the members of said board from single-member districts and defining such districts; prescribing the manner of election and terms of such members; providing that the chairperson shall be elected from the membership of such board; providing for filling vacancies on such board and providing that this act shall have retroactive effect to the election of the members of the Henry County Board of Education in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 633, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 633—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Beasley (With Notice and Proof):

H. 634. Relating to Henry County; providing certain additional compensation for the poll workers to be paid from the county general fund retroactive to October 1, 1986.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 634, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Butler (With Notice and Proof):

H. 551. To allow the City of Madison in Madison County to establish historic districts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 551, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 634 and 551—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Reed (With Notice and Proof):

H. 623. Relating to Macon County; authorizing the sheriff of Macon County to employ a county jail administrator and providing for a salary.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 623, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (With Notice and Proof):

H. 624. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of Macon County and to provide that such judgments or orders shall have the same force and effect as minutes of the circuit court of Macon County prior to the passage and approval of this act and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 624, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 623 and 624—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Crow, Campbell, and Willis (With Notice and Proof):

H. 618. Relating to Calhoun County; to provide further for the compensation and expense allowance of the members of the Civil Service Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 618, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Crow, Campbell, and Willis (With Notice and Proof):

H. 620. Relating to Calhoun County; providing an additional expense allowance payable from the county treasury for the use of the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 620, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 618 and 620—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Reed (With Notice and Proof):

H. 625. Relating to Macon County; prescribing procedure by which the county commission may set the hours for its regular monthly meetings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 625, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (With Notice and Proof):

H. 626. Relating to Macon County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated



and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Macon County favor a revenue commissioner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 626, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 625 and 626—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 371. To provide longevity pay for certain employees of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 371—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Frazier and Hogan:

H. 266. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 266—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG):

H. 261. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 261—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 247. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 247—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bryant:

H. 268. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 268—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed:

H. 255. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 255—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Haynes and Johnson (RG):

H. 397. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 397—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 44. COMMENDING FRANK GOURDOUZE OF SOUTHERN UNION STATE JUNIOR COLLEGE ON HIS OUTSTANDING COACHING CAREER.

Also:

S. J. R. 45. COMMENDING EVA GOLSON OF MOBILE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO ALABAMA'S TRAVEL INDUSTRY.

Also:

S. J. R. 46. COMMENDING DR. J. E. KIMBROUGH ON HIS DISTINGUISHED MEDICAL CAREER.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell, Clark (J), Carter, and Harper:

H. 321. To clarify and extend the authority of city and county boards of education to manage the public schools over which they have legal responsibility.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 321—to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 233. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 28, 1987, that we adjourn to meet again on Tuesday, June 2, 1987.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 233, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 228. COMMENDING JEFF MASSEY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

Also:

By Rep. Payne:

H. J. R. 229. COMMENDING HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL, A SELECTION OF THE STATE DEPARTMENT OF EDUCATION AS ONE OF THE TOP NINE SCHOOLS IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 228 and 229, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

H. J. R. 230. COMMENDING MOBILE SOUTHWEST STATE TECHNICAL COLLEGE'S COMPETITION WINNERS.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 230, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mikell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke,

Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 234. RECOGNIZING THE SIGNIFICANT CONTRIBUTION OF THE ALABAMA STATE EMPLOYMENT SERVICE TO THE CITIZENS OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 234, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (RG):

H. J. R. 215. MOURNING THE DEATH OF FAY S. PERRY OF TALLADEGA COUNTY, ALABAMA.

Also:

By Rep. Johnson (RG):

H. J. R. 216. CONGRATULATING MR. AND MRS. HOMER BRAZIER ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Blake:

H. J. R. 217. CONGRATULATING THE PELL CITY HIGH SCHOOL "MARCHING BAND OF GOLD."

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 215, 216, and 217, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Turner, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghyby:

H. J. R. 221. COMMENDING RONALD E. WILKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Rep. Moon:

H. J. R. 222. COMMENDING GENE WADE FOR DISTINGUISHED SERVICE TO THE MARSHALL COUNTY ASSOCIATION OF VOLUNTEER FIREMEN AND TO THE COMMUNITY.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 221 and 222, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate.

S. J. R. 13. NAMING THE OVERPASS AT MEMORIAL PARKWAY AND UNIVERSITY DRIVE IN HUNTSVILLE, ALABAMA, IN HONOR AND MEMORY OF THE LATE RALPH H. FORD.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 27th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Teresa Petelos of Birmingham, Alabama, to the Alabama State University Board of Trustees, for the term expiring on January 31, 1990.

In accordance with Section 16-50-20, Code of Alabama, 1975, implicit in our request to confirm the above nominee is the request that you disaffirm, as required by the statute, Mr. Michael Onderdonk of Chatom, Alabama.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 27th day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 27th day of May, 1987.



To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Thomas T. Gallion, III of Montgomery, Alabama, to the Alabama State University Board of Trustees, for the term expiring on January 31, 1990.

In accordance with Section 16-50-20, Code of Alabama, 1975, implicit in our request to confirm the above nominee is the request that you disaffirm, as required by the statute, Mr. Ray Warren of Montgomery, Alabama.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 27th day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 18th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

Mrs. Louise Nolen of Fayette, Alabama, has been appointed, subject to your confirmation, to the Livingston University Board of Trustees, for the term expiring on December 27, 1995.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 18th day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa County Civil Service Board.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 27th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Anne Walker Rhone of Tuscaloosa, Alabama, to the Tuscaloosa County Civil Service Board, replacing Mr. William C. Moore, for the term expiring on May 15, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 27th day of May, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa County Civil Service Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 27th day of May, 1987.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Walter B. Lawson of Tuscaloosa, Alabama, to the Tuscaloosa City Civil Service Board, for the term expiring on May 15, 1993.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 27th day of May, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 82. Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court must also enter judgment against the obligors in the amount of the alternate value of the property as fixed by the trial court below and the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING****THE BILL:**

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

as amended, and the pending Rice amendment, which said amendments are set out in the Journal of the Senate for the Tenth and Thirteenth Legislative Days, respectively, was taken up.

**RECESS**

At 3'oclock P.M., on motion of Senator Bennett, the Senate took a recess subject to the call of the Chair.

At 3:55 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF S. B. 88**

The Senate proceeded to further consideration of the Bill, S. B. 88, as amended. The question was on the amendment offered by Senator Rice.

On motion of Senator Goodwin, further consideraton of the Bill, S. B. 88, and pending amendment, was postponed subject to the call of the Chair.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 27. Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, liability for punitive damages as defined within this Act must be proved by the overwhelming weight of the clear and convincing evidence and the amount of such damages shall not exceed the amount of any damages assessed against the defendant other than punitive damages or \$100,000, whichever is less; to provide that, in tort cases arising out of a contract, punitive damages shall only be awarded when the plaintiff is entitled to recover on the contract claim as a matter of law; to provide that this Act does not create a cause of action or right to recover punitive damages; to provide for definitions of certain terms used in this Act; to provide that a principal shall not be liable for punitive damages based on the acts or omissions of an agent unless the principal had advance knowledge of unfitness of the agent and employed him with conscious disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill become law.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Higginbotham, Carothers, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 27, the title of which is set out in the foregoing Message from the House.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Manley    |
| Amari     | deGraffenried | Goodwin  | Menton    |
| Bailey    | Denton        | Hilliard | Preuitt   |
| Bennett   | Ellis         | Holmes   | Smith (J) |
| Cabaniss  | Figures       | Horn     |           |

—18

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Manley, deGraffenried, and Preuitt.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 28. Relating to the admissibility of certain evidence in civil actions for personal injury or property damage; to provide that in all civil actions

for personal injury or property damage, evidence relating to reimbursement or payment of plaintiff's damages allegedly incurred as a result of the acts or omissions complained of shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that the plaintiff's obligation to repay the reimbursor shall be admissible; to provide that in all such civil actions evidence of the tax implications to the plaintiff of any damage award shall be admissible; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and, to provide for an effective date of this Act.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Higginbotham, Carothers, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 28, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Goodwin  | Manley    |
| Amari     | deGraffenried | Hilliard | Menton    |
| Bailey    | Denton        | Holmes   | Preuitt   |
| Bedsole   | Ellis         | Horn     | Rice      |
| Bennett   | Foshee        | Langford | Smith (J) |
| Cabaniss  |               |          |           |

—20

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Manley, deGraffenried, and Preuitt.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for

standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and to provide the manner in which this bill becomes law.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Higginbotham, Carothers, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 29, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Langford  |
| Amari     | Campbell      | Goodwin  | Menton    |
| Bailey    | deGraffenried | Hilliard | Pruitt    |
| Bedsole   | Denton        | Holmes   | Rice      |
| Bennett   | Ellis         | Horn     | Smith (J) |
| Bishop    |               |          |           |

—20

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators deGraffenried, Manley, and Pruitt.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 30. To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits or claims filed after its effective date and also to suits or claims filed prior to its effective date and which are not dismissed within 60 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Higginbotham, Carothers, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 30, the title of which is set out in the foregoing Message from the House.

Yeas 22; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Foshee   | Manley    |     |
| Amari     | Campbell      | Goodwin  | Menton    |     |
| Bailey    | deGraffenried | Hilliard | Preuitt   |     |
| Bedsole   | Denton        | Holmes   | Rice      |     |
| Bennett   | Dial          | Horn     | Smith (J) |     |
| Bishop    | Ellis         | Langford |           | —22 |

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Manley, deGraffenried, and Preuitt.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 81. Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and future damages assessed against that defendant, but that, upon motion of the defendant, the judgment for future damages must be structured over a period not to exceed 15 years so long as the court receives adequate assurance that the defendant can and will make all required payments and so long as the court does not determine that the structure would be manifestly unjust under the circumstances of the case; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or effects the nature,



elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Higginbotham, Carothers, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 81, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Langford  |
| Amari     | deGraffenried | Goodwin  | Menton    |
| Bedsole   | Denton        | Hilliard | Preuitt   |
| Bennett   | Dixon         | Holmes   | Rice      |
| Bishop    | Ellis         | Horn     | Smith (J) |
| Cabaniss  |               |          |           |

—20

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Manley, deGraffenried, and Preuitt.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 432. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be

made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer

any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Higginbotham, Carothers, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 432, the title of which is set out in the foregoing Message from the House.

Yeas 22; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Foshee   | Manley    |     |
| Amari     | deGraffenried | Goodwin  | Preuitt   |     |
| Bedsole   | Denton        | Hilliard | Rice      |     |
| Bennett   | Dial          | Holmes   | Sanders   |     |
| Bishop    | Dixon         | Horn     | Smith (J) |     |
| Cabaniss  | Ellis         | Langford |           | —22 |

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators deGraffenried, Manley, and Preuitt.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 25. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Higginbotham, Carothers, and Hooper.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two

Houses on the Senate amendment to the Bill, H. B. 25, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Goodwin  | Menton    |     |
| Amari     | Denton   | Hale     | Preuitt   |     |
| Bedford   | Dial     | Holmes   | Rice      |     |
| Bedsole   | Dixon    | Horn     | Sanders   |     |
| Bennett   | Ellis    | Langford | Smith (J) |     |
| Cabaniss  | Foshee   |          |           | —21 |

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Manley, deGraffenried, and Preuitt.

### RESOLUTIONS

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 92. COMMENDING THE FACULTY OF HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL.

Which was filed.

Senator Rice offered the following Senate Joint Resolution, to-wit:

S. J. R. 93. URGING THE GOVERNOR TO DESIGNATE A STAFF PERSON TO SERVE AS CHILD DAY CARE COORDINATOR.

WHEREAS, pursuant to the Report of the Joint Governor's/Legislative Task Force on Child Day Care (April 1987), in the American family budget, child day care is the fourth largest expense, following housing, food and taxes; and

WHEREAS, the availability of quality child day care is of vital concern to working parents and to public and private employers of this state; and

WHEREAS, the United States is the only industrialized nation in the world which lacks a national child day care program or policy; and

WHEREAS, due to the existence of and the increase of single-parent families and of two-parent families working outside of the home, more than one-half of all young children in Alabama are cared for outside the home; and

WHEREAS, the complex nature of providing and coordinating quality child care services in Alabama will require the combined efforts of the state government and the private sector; and

WHEREAS, the strength of Alabama's labor force and business vitality is contingent on the availability of affordable and quality child care services; and

WHEREAS, in recognition of the extreme importance of this issue, Alabama has joined other states in creating a child day care task force known as the "Joint Governor's-Legislative Task Force on Child Day Care"

in order to develop specific recommendations regarding the coordination and provision of existing child day care services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the Governor to designate a staff person to serve as Child Day Care Coordinator to coordinate information and resources for child day care in Alabama to illustrate the necessity for affordable, quality child day care in Alabama, and that such coordinator is urged to assist in implementing the proposals and recommendations of the Joint Governor's/Legislative Task Force (April 1987).

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Rice then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 94. CONTINUING THE JOINT GOVERNOR'S-LEGISLATIVE TASK FORCE ON CHILD DAY CARE.**

WHEREAS, H. J. R. 89 of the 1986 Special Legislative Session created the Joint Governor's-Legislative Task Force on child day care; and

WHEREAS, there is a need to further investigate statewide issues and needs in child day care and to develop a comprehensive child day care plan for Alabama; and

WHEREAS, there continues a great need for the continuation of Task Force's work; and

WHEREAS, there is a continuing need to serve as a resource to the Governor and to the Legislature on child day care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Governor's-Legislative Task Force on child day care, created by Act 86-672, H. J. R. 89 of the 1986 First Special Session (Acts of 1986 First Special Session, p. 65) is hereby continued as herein provided.

The Joint Governor's-Legislative Task Force on child day care shall continue to be charged with the responsibility of studying the following specific problems and making recommendations as to potential solutions:

1. Accessibility and affordability of child day care;
2. Education-public awareness of child day care as a basic necessity and a positive program;
3. Quality in child day care; and
4. Supportive networks-partnerships to increase child day care resources.

The twenty (20) original appointed members of the Task Force were appointed as follows:

Eight (8) members appointed by the Governor (to include at least one member of the staff of the State Department of Human Resources, one member of the State Department of Education, and one member of the State Department of Health);

Four (4) non-legislative members, who are service providers in the day care industry, appointed by the Joint Legislative Study Committee on Children and Youth;

Four (4) members appointed by the Lieutenant Governor, of whom three shall be members of the Alabama Senate;

Four (4) members appointed by the Speaker of the House, of whom three shall be members of the Alabama House of Representatives.

All original members shall continue to be members on the Task Force. Any vacancies occurring in any position on the twenty (20) person original Task Force membership shall be filled in the same manner as the original appointments were made with the exception of vacancies occurring in appointments made by the Joint Study Committee on Children and Youth, and shall be filled by the Senate and House Public Welfare Committees on an alternating basis.

In addition, eight (8) new task force members shall be appointed to serve as follows:

(a) Three (3) persons appointed by the governor, one (1) of which must be a service provider in the day care industry; and

(b) Three (3) persons appointed by the Public Welfare Committee, House of Representatives, one (1) of whom must be a service provider in the day care industry; and

(c) Three (3) persons appointed by the Public Welfare Committee, Senate, one (1) of whom must be a service provider in the day care industry. Any vacancies occurring in the eight additional memberships shall be filled in the same manner as the original appointments.

The Governor shall serve as an ex officio member;

The Commissioner of the State Department of Human Resources shall also serve as an ex officio member.

BE IT FURTHER RESOLVED, That the legislative members shall receive their regular expense, travel and per diem allowances for each day the committee meets, upon approval by the chairman on warrants as provided by law, and shall be payable from any funds appropriated for use of the Legislature, but not to exceed five thousand dollars per annum.

RESOLVED FURTHER, That said Task Force shall report its further findings and recommendations to the Governor and the Legislature on the first day of the 1988 Legislative Session whereupon it shall stand discharged from all duties and dissolved.

Which was read and referred to the Standing Committee on Rules.

Senator Bennett offered the following Senate Joint Resolution, to-wit:

S. J. R. 95. REQUESTING THAT THE GOVERNOR IMMEDIATELY ESTABLISH AN ALABAMA COUNCIL OF CHILD DAY CARE REGULATORS TO COORDINATE DAY CARE REGULATORY FUNCTIONS WITHIN STATE GOVERNMENT IN ORDER TO DEVELOP CONSISTENT AND COHERENT STATE REGULATIONS AND POLICIES.

WHEREAS, in 1971, the Alabama Legislature passed the Child Care Act, followed by the publication of the Minimum Standards pursuant to the provisions of said act, responding to the need to create basic guidelines for the child day care industry, and with these laws, Alabama made an initial

effort to address its responsibility to protect children as related to child day care; and

WHEREAS, since that time, child day care regulatory demands have continued to grow and licensed providers must meet state and local fire codes, state and local public health regulations, zoning and building codes and restrictions, and business regulations, in addition to State Minimum Standards; and

WHEREAS, at no time do these regulatory departments meet to coordinate regulations that duplicate and contradict each other; and

WHEREAS, the regulations of each department play a critical role in protecting children, and serve as the only guidelines for child day care providers; and

WHEREAS, in order to address these issues, an Alabama Council of Child Day Care Regulators should be formed to coordinate day care functions within state government, to develop consistent and coherent regulatory policy regarding child care, to avoid duplication, to maintain high standards of service, and to make it less difficult for day care providers to become licensed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Governor immediately establish an Alabama Council of Child Day Care Regulators to coordinate day care functions within state government in order to develop consistent and coherent state regulations and policies.

RESOLVED FURTHER, That the Governor shall receive a copy of this resolution and that he be urged to follow closely the recommendations in the Report of the Joint Governor's/Legislative Task Force on Child Day Care, (April 1987) in regard to establishing the said Council.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bennett then offered the following Senate Joint Resolution, to-wit:

S. J. R. 96. REQUESTING THE COMMISSIONER OF THE DEPARTMENT OF HUMAN RESOURCES TO ESTABLISH COUNTY COORDINATING COUNCILS FOR CHILD DAY CARE, WHERE FEASIBLE.

WHEREAS, pursuant to the Report of the Joint Governor's/Legislative Task Force on Child Day Care (April 1987), in order to support and assist the Department of Human Resources (DHR) in its efforts to ensure quality child day care for all children, county DHR directors should establish County Coordinating Councils for Child Day Care composed of representative segments of the child day care community including providers, parents, licensing and regulatory agency representatives, and interested community support programs; and

WHEREAS, several county councils can improve communications between day care providers and regulatory agencies including the exchange of ideas and information and create an atmosphere of mutual cooperation; and

WHEREAS, a successful model for such local level coordinating council currently exists in Mobile County; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Commissioner of the Department of Human Resources establish County Coordinating Councils for Child Day Care, where feasible.

RESOLVED FURTHER, That the Commissioner receive a copy of this resolution and that he closely follow the guidelines set forth in Recommendation 6 of the April 1987 report of the Joint Governor's/Legislative Task Force on Child Day Care in implementing the county councils.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Rice offered the following Senate Resolution, to-wit:

S. R. 97. CONGRATULATING COACH RONNIE BAYNES AND THE TALLASSEE HIGH SCHOOL TIGERS ON THEIR 1987 STATE CLASS 4A BASEBALL CHAMPIONSHIP.

Which was filed.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 98. COMMENDING ODENE MAY OF WINFIELD, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT AND FOR CONTRIBUTIONS TO PUBLIC EDUCATION.

WHEREAS, the Alabama Legislature notes with pleasure and in commendation, the selection of Miss Odene May as "Woman of the Year," a prestigious honor bestowed by the Winfield Business and Professional Women's Club in recognition of contributions to public education and to the community; and

WHEREAS, a retired teacher, Miss May served the Winfield City School System for 40 years, teaching third grade students, and as the Basic Adult Education teacher of night classes for seven years; and

WHEREAS, Miss May's professional affiliations have included membership, office and service on all levels—local, state, district, regional and national—and she has received a number of honors and awards recognizing the dedication of her contributions; and

WHEREAS, she also has been active politically in such projects as A-Vote fund raising and as a member of the organization's telephone and transportation committees; and

WHEREAS, Miss May additionally is prominent in many community affairs, most particularly those serving the elderly, homebound and handicapped; she further is a member of AARP, an American Red Cross volunteer, and is a member of Winfield Baptist Church where she is faithful in attendance and is involved in all phases of church activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly congratulate and commend Odene May as Winfield's Woman of the Year, and direct that she receive a copy of this resolution, executed in deep admiration and regard of her many outstanding accomplishments and contributions to public education and to the community.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 99. DESIGNATING NORTHWEST STATE TECHNICAL COLLEGE AS THE TENNESSEE-TOMBIGBEE "CORRIDOR CENTER FOR PROGRAM COORDINATION AND TRAINING."**

WHEREAS, it is recognized that the development of the Tennessee-Tombigbee Waterway has created the potential for massive economic growth within the Tennessee-Tombigbee Corridor composed of nineteen counties in Alabama; and

WHEREAS, such industrial development will increase demands for educational programs and services; and

WHEREAS, the Corps of Engineers did a study entitled Industrial Location in the Tennessee-Tombigbee Corridor, which identified 17 major product groups that include 88 different manufacturing industries as potential industries for locating in the corridor counties; and

WHEREAS, the two-year technical colleges are a solid foundation for economic and industrial growth across our state, providing the unique training and retraining of workers for new industries and businesses; and

WHEREAS, eight universities in the Tennessee-Tombigbee Waterway area have already formed a Tennessee-Tombigbee Research Consortium to pool the research capabilities of these institutions; and

WHEREAS, there is a need for one technical college to become the focal point for the coordination of training and the seeking federal and industry grants for all such schools; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Northwest Alabama State Technical College is hereby named and designated as the Coordinating Center for all two-year colleges for industrial training and retraining and educational services in the nineteen Tennessee-Tombigbee Corridor counties in Alabama, and that the Center shall be known as the Tennessee-Tombigbee "Corridor Center for Program Coordination and Training."

**BE IT FURTHER RESOLVED,** That the Center shall be established for the purpose of educational and training efforts as well as development activities necessary to foster economic growth, coordinate training and retraining for business and industry, and serve as a liaison between education, government, business, industry and civic organizations within the corridor counties of the Tennessee-Tombigbee Waterway.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford then offered the following Senate Resolution, to-wit:

**S. R. 100. COMMENDING THE WINFIELD CARRAWAY PARAMEDICS FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE COMMUNITY.**

Which was filed.

Senator Bedford then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 101. COMMENDING "CITIZEN OF THE YEAR" HOWIE LYONS OF HALEYVILLE, ALABAMA.**

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Howie Lyons as "Citizen of the Year" and as the recipient of the first such annual award of the Haleyville Civitan Club; and

WHEREAS, a prominent educator and coach in the Haleyville City School System for the past 19 years, Mr. Lyons currently is assistant principal of 14th Avenue Elementary School, and also Cross Country coach at Haleyville High School, which has amassed an unprecedented five State Championships under Coach Lyons' leadership; and

WHEREAS, Howie Lyons is indeed an exemplar of professionalism and an educator who not only evidences sincere interest and concern for his students and the Haleyville Schools, but for the community and all citizens thereof whom he serves through involvement and support of numerous civic and community endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and community involvement, we hereby commend Haleyville "Citizen of the Year" Howie Lyons, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford then offered the following Senate Joint Resolution, to-wit:

S. J. R. 102. COMMENDING ESTES HUDSON OF WINFIELD, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND HIGH SCHOOL ATHLETICS.

WHEREAS, Estes Hudson, a lifelong resident of Marion County, Alabama, and a former high school coach and Superintendent of the Marion County Schools, is greatly loved and admired by his fellow citizens for his lifetime that has been dedicated to youth; and

WHEREAS, a native of Hacklebury and a graduate of Hacklebury High School where he lettered in all sports and served as captain of the football, baseball and basketball teams, Mr. Hudson attended Birmingham Southern for one year, graduating from Jacksonville State Teachers College with the B.S. degree; he lettered in all three sports during his four years in college and served as president of his class all three years at Jacksonville State, where he also made all-conference in the three major sports; and

WHEREAS, following post graduate work at Peabody, Coach Hudson served as coach and teacher at Brilliant High School where he had a 15-3-1 record and led his football team to the county championship; and

WHEREAS, Coach Hudson then served in the United States Navy during World War II, including a tour of duty in the South Pacific; he was honorably discharged as a lieutenant junior grade, whereupon he resumed his career at Perry County High School where his basketball team was 24-5 and participated for the first time ever in the state tournament; and

WHEREAS, the following year, Estes Hudson joined the Winfield City Schools as coach, athletic director and city recreational director for some 18 years, leaving in 1964 to serve three consecutive terms as Superintendent of the Marion County Schools; and

WHEREAS, Coach Hudson holds an outstanding record in athletics for his years at Winfield with a 458-170 basketball record, 113-46-17 in football, and 14 county championship teams; and

WHEREAS, in addition to his guiding influence on hundreds of young students, Coach Hudson also has greatly contributed to the community in all areas of civic, professional and charitable affairs and, in addition to numerous professional and civic affiliations, is a member of the official Board of Stewards of Winfield First Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to public education, high school athletics and the community, we hereby commend Estes Hudson of Winfield, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Campbell offered the following Senate Joint Resolution, to-wit:

S. J. R. 103. COMMENDING THE DECATUR HIGH SCHOOL CONCERT CHORUS FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Alabama Legislature notes the numerous accomplishments of the Decatur High School Concert Chorus under the talented leadership and tutelage of Jimmy Cantrell, the school's music teacher and choral director for the past 15 years; and

WHEREAS, this Decatur High concert group, comprised of 117 talented young boys and girls from all four high school grades, received an Over-all Superior Rating in the State Choral Competition, April 22, in Tuscaloosa, Alabama; and

WHEREAS, we also note with highest commendation that the Decatur High School Concert Chorus was competing with 52 high schools from throughout Alabama and was our state's only concert chorus to receive the competition's Superior Rating for the second consecutive year; and

WHEREAS, the Decatur High School Concert Chorus has indeed brought great honor to their school and to the community, and these young gifted musicians have received even further recognition through performances, by request, at numerous civic and patriotic events in Decatur, Morgan County and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great personal pride in our youth and in recognition of outstanding achievement, we hereby most highly commend Choral Director Jimmy Cantrell and the Decatur High School Concert Chorus, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 104. COMMENDING THE CLEMENTS HIGH SCHOOL BETA CLUB FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 213. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY WITH RESPECT TO OIL AND GAS DEVELOPMENT ACTIVITIES IN ALABAMA'S COASTAL WATERS.**

Senator Bedsole offered the following substitute for the Resolution, H. J. R. 213, to-wit:

**SUBSTITUTE FOR H. J. R. 213**

**H. J. R. 213. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY WITH RESPECT TO OIL AND GAS DEVELOPMENT ACTIVITIES IN ALABAMA'S COASTAL WATERS.**

Act No. 83-609 approved on July 28, 1983 is as follows:

**"EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.**

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs; and

WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U.S. Government acreage; and

WHEREAS, forty years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment; and

WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with, but no more stringent than, existing federal offshore environmental regulations.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Governor, State Oil and Gas Board, Department of Conservation and Natural Resources, Department of Environmental Management and any other state agencies and departments involved in the regulation of offshore oil and gas exploration and production so that they may know of our concern, interest and desire for appropriate regulations in this most important area."

AND WHEREAS, On May 21, 1987 there still exists a question with respect to Alabama's Oil and Gas Development Policy as evidenced at the Alabama Environmental Management Commission's May 20, 1987 Hearing on a discharge permit.

AND WHEREAS, The Alabama Legislature reaffirms its commitment to timely development of the state's energy resources consistent with sound and stable environmental practices.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That ADEM proceed with urgency to resolve this issue in concert with the expressed intent of the Alabama Legislature as evidenced in Act 83-609.

BE IT FURTHER RESOLVED, That it is the legislative intent of the term offshore to mean exclusively that territory lying South of the barrier islands and specifically excluding the lands located in the Mississippi Sound, Mobile Bay, Bon Secour Bay, Wolf Bay, Arnica Bay, Bay La Launch and Perdido Bay.

On motion of Senator Bedsole, further consideration of the Resolution, H. J. R. 213, and pending substitute, was postponed temporarily.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### S. R. 105. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the fourteenth legislative day of the 1987 Regular Session only:

1. Committee Reports
2. Uncontested Local Bills
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| H. 85           | Election of city council membs. from single memb. dists.                                          | 77              |
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| S. 203 | Timber Theft Equipment Condemnation Act, estab., penalties                                                                                                                 | 27 |
| S. 393 | Bonds, amount insurance companies & banks may purchase under federal Farm Credit Act, Section 5-5A-24 repealed                                                             | 52 |
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| H. 141 | Boards of ed., cert. ones auth. to establish self-funded insurance funds                                                                                                   | 71 |
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| S. 149 | Counties and muns., provide for tax increment financing for revitalizations                                                                                                | 49 |
| S. 111 | State Attorney's Inquiry Commission, established, prohibition on district attorney retirement benefits removed                                                             | 70 |
| S. 401 | Boll Weevil Eradication, assessments for, Secs. 2-19-131 and 2-19-135 am'd.                                                                                                | 73 |
| S. 302 | Notifiable diseases, state board of health duties                                                                                                                          | 55 |
| H. 106 | Speaker of the House, admin. assistant, status alt.                                                                                                                        | 48 |
| S. 375 | Motor vehicles, trucks, trailers, and semi-trailers, license period extended to 5 yrs., option of fleet owners, Sec. 40-12-252 am'd.                                       | 43 |
| S. 259 | Insurance, continuing education requirements for salespersons, Sec. 27-3-27 am'd.                                                                                          | 52 |
| S. 228 | University of Alabama and Auburn University, commemorative automobile tags, disposition of revenue to pay public debt, Sec. 32-6-150 am'd.                                 | 45 |
| S. 229 | Motor vehicles, licensing and tax, RV's excluded from truck tax fees, effective on passage of distinctive license plates, Sec. 40-12-240 am'd.                             | 47 |

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| H. 171 | Limitation of liability of physicians serving on hospital committees.                                                                           | 53 |
| H. 163 | Physicians, lic. suspended when med. lic. bd. takes disciplinary action, Sec. 34-24-360 am'd.                                                   | 54 |
| S. 104 | Title passing by a mortgage, will not divest until all secured obligations are paid, Sec. 35-10-26 am'd.                                        | 2  |
| S. 66  | Swine, prevention and eradication of hog cholera, swine diseases, conditional appropriation                                                     | 56 |
| S. 286 | Tort reform, statute of limitations on civil actions arising out of work performed by architects and engineers                                  | 64 |
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| S. 102 | Employers' liabilities, pooling permitted so as to secure reinsurance, Sec. 25-5-9 am'd.                                                        | 3  |
| S. 42  | Mortgage recording tax, exempt re-recording for correction of errors, Secs. 40-22-1, 40-22-2 am'd.                                              | 40 |
| S. 161 | Persons convicted of DUI req. to complete a ct. referral program approved by Administrative Office of Cts., Sec. 32-5A-191 am'd.                | 9  |
| S. 126 | Burglary of homes, penalties incr., Secs. 13A-7-5, 13A-7-6 am'd.                                                                                | 9  |
| S. 141 | Mortgages further provided for so as to permit execution of deed in lieu of foreclosure, rights of parties                                      | 6  |
| S. 198 | Superintendent of Education, State, authorized to delay taking school census until 1998, Section 16-4-15 amended                                | 16 |
| S. 108 | Aeronautics Department, appropriations                                                                                                          | 39 |
| S. 45  | Hunting licenses for disabled provided, fishing licenses alt., Sec. 9-11-54 am'd.                                                               | 40 |
| S. 46  | State wildlife print and stamp, auth., Conservation and Natural Resources to administer                                                         | 41 |
| S. 369 | Farm trailers, cert. exempt from roadway restrictions, Secs. 32-9-26, 32-9-27, am'd.                                                            | 74 |
| S. 75  | Trafficking in illegal drugs, class A felony, sections 20-2-80 and 20-2-81 amended                                                              | 8  |



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| S. 81  | Controlled Substances Act, incorporates in criminal code, creates classes of punishment, sections 20-2-71, 20-2-72, 20-2-73, 20-2-74, amended, sections 20-2-70, 20-2-76, 20-2-77 repealed | 17 |
| S. 37  | Grain dealers, cash payors exempted from law, bonding requirements, sec. 2-31-4 amended, Sec. 2-31-2 repealed                                                                              | 27 |
| S. 38  | Public Warehouses, bonding requirements regulated; penalties altered, Sections 8-15-7 and 8-15-10 am'd.                                                                                    | 5  |
| S. 176 | Child Labor, statute am'd. to conform with fed. law, Sec. 25-8-4, 25-8-8 and 25-8-16 amended                                                                                               | 37 |
| S. 276 | Codes and Ordinances adopted by reference, Sec. 11-45-8 amended                                                                                                                            | 34 |
| S. 357 | Trailers, cotton module-movers exempt from trailer restrictions same as cotton wagons, Sec. 32-9-2 am'd.                                                                                   | 74 |

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

**REPORTS OF COMMITTEES**

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 79. To amend Section 13A-11-11, Code of Alabama 1975, as amended, relating to the crime and penalty for falsely reporting an incident, so as to increase the penalty to a felony.

By Senator Smith (J):

S. 86. To amend Code of Alabama 1975, §13A-5-40(a)(5) to provide that murder of a law enforcement officer or prison or jail guard on duty is a capital offense regardless of whether the defendant knew or should have known that the victim was an officer or guard on duty; to state the need for such an amendment; to provide for severability; to provide an effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (B), Cabaniss, Hand, Hale, and Ellis (With Substitute) (With Amendment):

S. 95. To amend Sections 14-10-1 and 14-10-2, Code of Alabama, 1975, so as to allow the department of corrections to establish reasonable regulations

determining those state convicts who shall receive discharge benefits to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense and to allow state inmates to waive discharge benefits.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Manley:

S. 140. To make the illegal possession of food stamps a criminal offense, to define the degrees of such offense; to prescribe punishment; and to provide that any person convicted of such crime who is licensed under the Alcoholic Beverage Licensing Code shall have his license revoked in addition to criminal penalties.

By Senators Amari, Smith (B), Rice, Goodwin, Bedford, Dial, Hale, Bennett, Manley, Smith (J), Hand, Barron, Drinkard, Denton, Preuitt, Campbell, Holmes, Cabaniss, Ellis, Bedsole, Covington, Parsons, and deGraffenried:

S. 233. To make certain legislative findings, to define terms for the purposes of this act; to grant certain immunity from suit and civil liability for certain officers, directors, trustees and members of governing bodies of not-for-profit corporations, associations or organizations which are exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended; not-for-profit corporations, associations or organizations which are organized pursuant to Sections 10-3A-2, 22-51-1, 22-51-2, 22-51-3, 22-51-4, 22-51-5, 22-51-6, 22-51-7, 22-51-8, 22-51-9, 22-51-10, 22-51-11, 22-51-12, 22-51-13, and 22-51-14 of the Code of Alabama 1975, self-insured funds established pursuant to Sections 11-26-1, 11-26-2, 11-30-2 or 25-5-9, Code of Alabama 1975, or other legal authority; and boards, authorities or commissions the members of which are appointed by the governing body or bodies of any county or municipality, or by the Governor or other constitutional officers or members of the legislature, pursuant to legislative or constitutional authorization, or the members of which are constitutionally or legislatively delegated.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Substitute):

S. 236. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to provide that certain types of litter and littering shall constitute prima facie evidence of an individual's criminal actions.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 358. Relating to "The Alabama Legal Liability Act of 1987" to state the legislative intent; to define the terms attorney, standard of care, future damages, periodic payment and substantial evidence; to provide that in any

action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health or legal benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of

the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against an attorney based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the attorney failed to exercise such reasonable care, skill and diligence as other attorneys in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against an attorney not certified by the Alabama Bar Association as being a specialist, not trained or experienced in a legal specialty or not holding himself out as a specialist shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against an attorney certified by the Alabama Bar Association as a specialist, trained and experienced in a legal specialty or holding himself out as a specialist shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the Alabama Bar Association in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the legal liability insurance of the defendant or of a witness testifying as a "similar attorney"; to further provide that any attorney may testify as an expert in any action if he is a "similar attorney" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against an attorney based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against an attorney shall include a detailed specification and factual description of each act and omission alleged by plaintiff

to render the attorney liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against attorneys based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Drinkard, Bailey, Cabaniss, and Rice (With Amendment):

S. 464. To repeal Code of Alabama 1975, Sections 13A-12-150 through 13A-12-159; to define and prohibit the distribution of obscene material; to provide for the enjoining by the circuit courts of violations of this Act; to provide for the forfeiture of materials and moneys and funds used and obtained in violation of this Act; and to provide for severability and effective dates.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 232. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

By Reps. Box, Campbell, Fuller, Marietta, Slaughter, and Newton:

H. 233. To provide for a revision of the guardianship laws of Alabama by providing: general provisions, definitions and jurisdiction of court; protection of persons under disability and their property; protection of property of persons under disability and minors; to repeal Sections 26-2-1; 26-2-20 through 26-2-25, 26-2-40 through 26-2-42, 26-2-49, 26-3-2, 26-3-6, 26-4-1 through 26-4-155, 26-5-17, 26-5-37, 26-6-1 through 26-6-6, and 26-7-1 through 26-7-5 of the Code of Alabama 1975, as amended; and to amend Sections 26-2-2, 26-2-26, 26-2-43, 26-2-45, 26-2-47, 26-2-48, 26-2-50 through 26-2-55, 26-3-1, 26-3-3 through 26-3-5, 26-3-7, 26-3-8, 26-3-10 through 26-3-14, 26-5-1, 26-5-2, 26-5-4, 26-5-5, 26-5-7 through 26-5-10, 26-5-12 through 26-5-16, 26-5-18, 26-5-30 through 26-5-36, 26-5-38, 26-5-39, 26-5-50 through 26-5-52, 26-8-1, 26-8-20 through 26-8-24, 26-8-40 through 26-8-46, 26-8-48 through 26-8-52, and 26-9-2 Code of Alabama, 1975.

By Rep. White (L):

H. 48. To establish the venue for all civil actions for damages for personal injury, death or property damage filed against a county or against a municipality.

By Rep. Laird:

H. 223. To allow certified copies of case action summary or docket sheets or other court records to be admitted into evidence for the purpose of proving that a person has been previously convicted of a crime.

By Reps. Box, Marietta, Fuller, and Johnson (RW):

H. 238. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

By Senators Bedsole and Bailey:

S. 367. To amend Section 15-10-3, Code of Alabama 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant, in certain cases.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

S. 371. To amend Section 32-1-4, Code of Alabama 1975, to provide that custodial arrest is authorized for certain traffic offenders in order to assure that sufficient bond is given and to delete the provision requiring an immediate hearing upon demand by the offender.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holley, Drake, Carothers, Burke, Beasley, Carter, Fuller, Parker, Turnham, Hooper, Walker, Lindsey, White (F), Rogers, Knight, Gaston, Kvalheim, Turner, Clark (J), Moon, Biddle, McDowell, Newton, Spratt, Curry, Davis, White (G), Beers, Logan, McKee, Freeman, Newman, McClain, Payne, Headley, and Ford (With Substitute) (With Amendment):

H. 535. To amend Section 6-5-481 of the Code of Alabama 1975, relating to definitions of terms used in the Alabama Medical Liability Act so as to provide further for the definition of the terms "Other Health Care Providers" and "Professional Corporation."

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Amendment):

S. 1. To amend further Code of Alabama 1975, Section 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty; to create the Alabama Traffic Safety Center Fund; to provide that the additional amounts shall be used to support programs of the Alabama Traffic Safety Center; and to fund courses in the driver safety, motorcycle safety and boating safety.

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By Senator Dial (With Amendment):

S. 110. To amend Sections 41-9-470 and 41-9-472, Code of Alabama 1975, relating to the purposes and powers of the Motor Sports Hall of Fame Commission, so as to provide certain additional powers.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 250. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body shall become effective as to any county of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the county governing body of the county affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective county governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

By Senators Dixon and Langford:

S. 336. To authorize and provide the procedure for employees of certain counties, cities and towns to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

By Senator Manley:

S. 246. To amend Section 17-10-11, Code of Alabama 1975, which provides officials for counting absentee ballots and poll watchers, so as to provide further for said officials.

By Senator Manley:

S. 467. To amend Section 41-9-41, Code of Alabama 1975, which establishes the Alabama State Council on the Arts and Humanities, so as to change the name of said Council.

By Rep. Venable:

H. 193. To amend Section 11-43-12.1 Code of Alabama 1975, as amended, to authorize municipal employees or board members of municipal boards, organized under statutory authority of or for such municipality, to deal with and transact business with the employer municipality on the same basis and under the same procedures as municipal officials are authorized to do under said Section.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 453. To create the Alabama Family Medical Catastrophe Fund; to create the Alabama Family Medical Catastrophe Fund Board to administer said fund; to provide for the said board's composition, powers, duty and authority; to provide for funding; to provide for income tax refund checkoff donations on state income tax forms with the funds earmarked for the Alabama Family Medical Catastrophe Fund; to provide for the creation of the Alabama Family Medical Practice Fund in the state treasury; and to provide that monies in said fund shall not revert to the general fund but shall be encumbered and carried forward into each succeeding state fiscal year.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 408. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Perry County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Barron (With Notice and Proof):

S. 418. Relating to DeKalb County; authorizing the probate judge to deposit the accounts of the probate office in an interest bearing account.

By Senator Barron (With Notice and Proof):

S. 419. Relating to DeKalb County; to provide for an optional system of Alabama business licenses purchasing by mail; to authorize an additional fee for mailing licenses; and to provide for the disposition of such fees.

By Senator Smith (J) (With Notice and Proof):

S. 449. To amend the title and section 1 of Act No. 80-783, S. 599 of the 1980 Regular Session (Acts 1980, p. 1617) providing a county salary supplement for the circuit judges in the Thirty-ninth Judicial Circuit so to provide further for such salary supplements.

By Senator Ellis (With Notice and Proof):

S. 456. Relating to Shelby County; authorizing and empowering the county commission to exercise exclusive control over the planning, construction, maintenance, operation, development, extension and management of the sewer system and sewage treatment facilities and disposal plants in certain areas in the county; excluding such existing facilities and plants operated by certain municipalities from certain provisions of this act and providing that the county commission may exercise discretionary veto authority over any extension of existing municipal sewage and disposal facilities



into areas situated outside of the corporate limits of any municipality operating such facilities on the effective date of this act and requiring certain permits relating to certain sewage systems and disposal plants.

By Senator Ellis (With Notice and Proof):

S. 458. Relating to Shelby County, to amend Act 82-693, 1982 2nd Special Session (Acts of Alabama for the 1st, 2nd, 3rd Special Sessions of 1982, p. 144) as amended, so as to remove the requirement that members of the Shelby County Planning Commission shall be a free-holder in the county.

By Senator Barron (With Notice and Proof):

S. 461. Relating to DeKalb County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

By Rep. Breedlove (With Notice and Proof):

H. 404. Relating to Washington County; to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35, Section 20-2-93, and Title 28 of the Code of Alabama 1975.

By Reps. Blakeney and Breedlove (With Notice and Proof):

H. 537. To alter Clarke County Commission Districts Three and Two by transferring Beat 19 from District Three to District Two.

By Senator Dial (With Notice and Proof):

S. 474. Relating to Clay County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Clay County as a branch, so as to not cause a hardship to its customers.

By Senator Covington (With Notice and Proof):

S. 487. Relating to Dale County; providing for the chairman of the county commission; amending Section 2 and repealing Section 3 of Act No. 1955, H. 1827, Regular Session 1971 (Acts 1971, p. 3174), which provides for the chairman of such commission, so as to transfer such office and duties to the judge of probate who shall be the chairman ex officio; providing that the duties and the compensation of such chairman shall be as provided by law; providing no ballot shall contain the office of chairman of county commission separate from the judge of probate.

By Rep. Carter (With Notice and Proof):

H. 100. Relating to Limestone County; to amend the title and Section 1 of Act No. 418, H. 279, Regular Session 1975 (Acts 1975, p. 1014), which authorizes the county governing body to open graves, so as to authorize a charge of \$50.00 per grave for such services.

By Rep. Carter:

H. 102. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Limestone County Commission to dispose of dead animals and excavate human graves.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Starkey and Goodwin (With Notice and Proof):

H. 185. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Rep. Carter (With Notice and Proof):

H. 103. Relating to Limestone County, the city of Athens in Limestone County and other political subdivisions in Limestone County which formally agree to participation, to provide for a "metropolitan-government" consisting of Limestone County, Athens, and such other participating political subdivisions which results from a merger of the political, corporate and economic functions into a single entity, the purpose of which is to provide for the economic and efficient merger of said governmental entities, and to provide for a referendum election procedure to accomplish said merger and reorganization of governmental functions.

By Rep. Starkey (With Notice and Proof):

H. 186. Relating to Lauderdale County; abolishing the office of constable in such county.

By Rep. Blake (With Notice and Proof):

H. 277. Relating to St. Clair County; providing further for the county superintendent of education expense allowance.

By Rep. Blake (With Notice and Proof):

H. 554. Relating to St. Clair County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

By Rep. Blake (With Notice and Proof):

H. 555. Relating to St. Clair County; to provide for additional expense allowances for certain county officials and expiration date therefor and providing for a certain monthly salary for certain county officials to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for said officials.

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Senator Covington:

S. 365. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state

at large notaries public, respectively, so as to increase the dollar amount of such bonds.

### RESOLUTION

Senators Horn and Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 106. COMMENDING LORENZO DAVIS FOR OUTSTANDING ACHIEVEMENT AS A PROFESSIONAL ATHLETE.

WHEREAS, the 1986 retirement of Lorenzo Davis brought to a close a distinguished career of some 50 years in professional athletics; and

WHEREAS, a native of Piper, Alabama, Lorenzo Davis who acquired the nickname, "Piper," as a student at Interurban Heights High School in Fairfield, Alabama, attended Alabama State and Miles Colleges in 1935-36; and

WHEREAS, during the subsequent years 1936-1986, Mr. Davis was active and prominent in both basketball and baseball on the professional level, and as player, manager and scout; and

WHEREAS, in basketball, Mr. Davis was primarily associated with the Harlem Globe Trotters during the forties and fifties; the major portion of his professional career, however, was in both minor and major league baseball as an outstanding player and as a pioneer in the acceptance of Blacks into the professional ranks; and

WHEREAS, Piper Davis' career highlights in pro baseball include distinguished seasons with the Birmingham Black Barons during which he was named to every All-Star team and his participation in All-Star games with such all-time greats as Satchel Paige, Roy Campanella and Jackie Robinson; and

WHEREAS, he further was the first Black to be signed by the Boston Red Sox for whom he played with Class A Scranton, Pennsylvania, leading the team in hitting .333, RBI's, Home Runs and tied in stolen bases; and

WHEREAS, Piper Davis also has served as scout for the Major League Scouting Bureau for the Saint Louis Cardinals and the Montreal Expos; and

WHEREAS, the recipient of numerous honors attesting to his outstanding athletic talent and ability, Mr. Davis resides in Birmingham where he is a member and deacon of Sardis Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Lorenzo "Piper" Davis, an outstanding professional athlete and an Alabama native in whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Senator Horn, the Rules were suspended and the Resolution was adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 131, adopted.

Yeas 18; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Manley    |
| Bedsole   | deGraffenried | Goodwin  | Menton    |
| Bennett   | Denton        | Holmes   | Sanders   |
| Bishop    | Dixon         | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

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Nay: Senator Hale.

—1

### SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 131. To amend Section 16-10-1, Code of Alabama 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

having been placed on the Consent Calendar on the Eleventh Legislative Day.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 131, to-wit:

### SUBSTITUTE FOR S. B. 131

#### A BILL TO BE ENTITLED AN ACT

To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education and to repeal Sections 16-10-4 and 16-10-9, Code of Alabama, 1975.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-10-1, Code of Alabama, 1975, shall be and hereby is amended to read as follows:

“Section 16-10-1. Qualifications and selection of trustees. The county board of education ~~shall~~ may appoint for every school in the county, from a list of six discreet, competent and reliable persons of mature years nominated by the patrons of the said schools, which list shall be kept on file by the board, three persons residing near the schoolhouse and having the respect and confidence of the community to serve for a term of four years as trustees of the school, to care for the property, to look after the general interest of the school and to make to the county board of education, through the county superintendent of education, from time to time, report of the progress and needs of the school and of the will of the people in regard to the school. The board of education, should it decide to appoint school trustees, shall fill all vacancies occurring in the office of trustee for the unexpired term from the list of nominees on file until the names on such list are exhausted. The term “patrons” as used herein shall be construed to mean the parents and guardians of children in attendance at the school.”

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Section 2. Section 16-10-4, Code of Alabama, 1975, is hereby expressly repealed:

~~"Section 16-10-4. Teacher may be refused by trustees.~~

~~"In the event a teacher, not already employed in a school, is assigned to such school, the county superintendent of education shall give to the trustees of said school notice in writing of such assignment, and the trustees of said school, within 10 days from the date of the receipt of the superintendent's notice of assignment, may by unanimous consent refuse to accept the assignment of such teacher to their school upon written notification to the county superintendent of education setting out the reason for such refusal; and it is hereby made the duty of the county superintendent of education to assign another teacher to such school."~~

Section 3. Section 16-10-9, Code of Alabama, 1975, is hereby expressly repealed:

~~"Section 16-10-9. Charges against teacher may be filed by trustees.~~

~~"The board of school trustees shall seek in every way to develop sentiment in the support of the schools, and in case of dissatisfaction they may file with the county board of education written charges requesting the removal of the principal or any other teacher in said school."~~

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Which was lost.

Yeas 13; Nays 14.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Goodwin  | Parsons   |
| Bailey    | Corbett       | Horn     | Sanders   |
| Bennett   | deGraffenried | Langford | Smith (J) |
| Cabaniss  | Figures       |          |           |

—13

Nays:

|           |          |        |         |
|-----------|----------|--------|---------|
| Senators: | Denton   | Ellis  | Menton  |
| Barron    | Dial     | Hale   | Preuitt |
| Bedsole   | Dixon    | Hand   | Rice    |
| Covington | Drinkard | Holmes |         |

—14

And said Bill, S. B. 131, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 8.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Cabaniss      | Dixon   | Langford  |
| Bailey    | Campbell      | Figures | Menton    |
| Barron    | Corbett       | Goodwin | Rice      |
| Bedsole   | deGraffenried | Hand    | Sanders   |
| Bennett   | Dial          | Horn    | Smith (J) |
| Bishop    |               |         |           |

—20

*Nays:*

|           |          |        |        |
|-----------|----------|--------|--------|
| Senators: | Drinkard | Foshee | Holmes |
| Covington | Ellis    | Hale   | Pruitt |
| Denton    |          |        |        |

—8

**FURTHER CONSIDERATION OF S. B. 88**

The Senate proceeded to further consideration of the Bill, S. B. 88, as amended. The question was on the amendment offered by Senator Rice.

And said amendment was then lost.

Yeas 13; Nays 20.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Hale   | Pruitt    |
| Barron    | Dial          | Hand   | Rice      |
| Bedsole   | Dixon         | Manley | Smith (J) |
| Cabaniss  | Ellis         |        |           |

—13

*Nays:*

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Figures  | Horn     |
| Amari     | Corbett   | Foshee   | Langford |
| Bailey    | Covington | Goodwin  | Menton   |
| Bedford   | Denton    | Hilliard | Parsons  |
| Bennett   | Drinkard  | Holmes   | Sanders  |
| Bishop    |           |          |          |

—20

Senator Bishop offered the following amendment to the Bill, S. B. 88, as amended, to-wit:

**AMENDMENT NO. 1 TO S. B. 88, AS AMENDED**

Amend Senate Bill 88, Page 3, Line 17, by striking out after the word November the number 1988 and inserting the number 1990

Which was adopted.

Yeas 31; Nays 1.

*Yeas:*

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Cabaniss      | Drinkard | Horn     |
| Amari     | Campbell      | Ellis    | Langford |
| Bailey    | Corbett       | Figures  | Manley   |
| Barron    | Covington     | Foshee   | Menton   |
| Bedford   | deGraffenried | Goodwin  | Parsons  |
| Bedsole   | Denton        | Hand     | Pruitt   |
| Bennett   | Dial          | Hilliard | Rice     |
| Bishop    | Dixon         | Holmes   | Sanders  |

—31

*Nay:* Senator Hale.

—1

Senator Bishop then offered the following amendment No. 2 to the Bill, S. B. 88, as amended, to-wit:

**AMENDMENT NO. 2 TO S. B. 88, AS AMENDED**

In Section 4 of the quoted section 27-13-68, on page 11, delete entirely the underlined language on lines 1 through 30, and in lieu thereof insert the following underlined language:

“(A) Any law to the contrary notwithstanding, the commissioner of insurance shall hold a public hearing on any application for any rate increase or increase by any property, casualty or liability insurer or rating organization on behalf of any such insurer as herein provided in subsection B.

“(B) Any property, casualty or liability insurer, or rating organization on behalf of any such insurer, doing business in Alabama which proposes a rate increase must first notify in writing its insured resident customers of the proposed increase. Such notice shall state that the insured has the right, within 10 days, to file an objection to such proposed rate increase, and shall provide the name and address of the commissioner of insurance for such purposes. If any such insured customer objects to the proposed increase, he may object thereto in writing and file his objection with the commissioner of insurance, who shall thereupon place a stay on the proposed rate increase until a hearing can be held on the matter. Within 20 days of receipt of such a filing by a customer, the commissioner shall notify the insurer, or rating organization acting in its behalf, of the objection and that a hearing shall be held thereon. The hearing shall be held within 30 days following the notice to the insurer or rating organization at a date and time set by the commissioner. The hearing shall be held in the department at Montgomery, Alabama, or at any other place in the state more convenient to the parties, and witnesses, as the commissioner determines. At such hearing the insurer or rating organization shall provide the information relied upon for such rate increase to the commissioner of insurance which may be examined by the public and provide such information to all policy holders affected by such proposed rate increase, the attorney general of the state of Alabama, and such other persons or entities which have notified, in writing, the commissioner of insurance that they wish to receive notice of any such information. The commissioner of insurance shall make available to any such insurer or rating organization a list of the names and addresses of all such persons or entities which have so requested such information.

“(C) Every person, firm, or

Which was adopted.

Yeas 29; Nays 1.

Yeas:

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Cabaniss      | Ellis    | Horn     |
| Amari     | Campbell      | Figures  | Langford |
| Bailey    | Corbett       | Foshee   | Menton   |
| Barron    | Covington     | Goodwin  | Parsons  |
| Bedford   | deGraffenried | Hand     | Preuitt  |
| Bedsole   | Denton        | Hilliard | Rice     |
| Bennett   | Dixon         | Holmes   | Sanders  |
| Bishop    | Drinkard      |          |          |

—29

Nay: Senator Hale

—1

Senator Bennett offered the following amendment No. 2 to the Bill, S. B. 88, as amended, to-wit:

### AMENDMENT NO. 2 TO S. B. 88, AS AMENDED

In the title, page 2, line 5, after the word "state", add the following language:

; to prohibit campaign contributions to candidates for such office by members of the insurance industry and to prescribe Class B felony punishment for violations;

In section 1 of the quoted code section 27-2-2 on page 3, line 28, add the following underlined subsection (b):

(b) It shall be unlawful for any person, officer or agent of the insurance industry to make a campaign contribution to a candidate for said office, either personally or through a political action committee, whether such contribution is monetary or in kind. Any person who violates the provisions of this subsection shall be guilty of a Class B felony, as defined by the criminal code of this state, and, upon conviction, shall be punished as provided by law under chapter 5, Title 13A, Code of Alabama 1975.

Which was adopted.

Yeas 32; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Ellis    | Langford  |
| Amari     | Corbett       | Figures  | Manley    |
| Bailey    | Covington     | Foshee   | Menton    |
| Barron    | deGraffenried | Goodwin  | Parsons   |
| Bedford   | Denton        | Hand     | Preuitt   |
| Bedsale   | Dial          | Hilliard | Rice      |
| Bennett   | Dixon         | Holmes   | Sanders   |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  |               |          |           |

—32

Nay: Senator Hale.

—1

And said Bill, S. B. 88, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23; Nays 10.

Yeas:

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Figures  | Horn     |
| Amari     | Corbett   | Foshee   | Langford |
| Bailey    | Covington | Goodwin  | Menton   |
| Bedford   | Denton    | Hand     | Parsons  |
| Bennett   | Drinkard  | Hilliard | Rice     |
| Bishop    | Ellis     | Holmes   | Sanders  |

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*Nays:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Cabaniss      | Dixon  | Preuitt   |
| Barron    | deGraffenried | Hale   | Smith (J) |
| Bedsole   | Dial          | Manley | —10       |

Senator Bishop moved that the Senate reconsider the vote by which the Bill, S. B. 88, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**ADJOURNMENT**

At 6:20 P.M., on motion of Senator Barron, the Senate adjourned until Thursday, June 4, 1987, at 11 o'clock A.M.

## **FIFTEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 4, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Mike Jordan, Pastor, St. Mark's United Methodist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Eric Parks, Carver Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Manley    |
| Amari     | Corbett       | Goodwin  | Menton    |
| Bailey    | Covington     | Hale     | Parsons   |
| Barron    | deGraffenried | Hand     | Preuitt   |
| Bedford   | Dial          | Hilliard | Rice      |
| Bedsole   | Dixon         | Holmes   | Sanders   |
| Bennett   | Drinkard      | Horn     | Smith (B) |
| Bishop    | Ellis         | Langford | Smith (J) |
| Cabaniss  | Figures       |          |           |

—33

### **JOURNAL**

On motion of Senator Smith (J), the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator Smith (J), leave of absence was granted Senator Denton for today.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 107. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the fifteenth legislative day of the 1987 Regular Session only:

1. Committee Reports
2. Uncontested Local Bills
3. Consent Calendar
4. Bills on Third Reading

| <u>BILL NO.</u> | <u>DESCRIPTION</u>                                                                                                                                                         | <u>PAGE NO.</u> |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| H. 85           | Election of city council membs. from single memb. dists.                                                                                                                   | 76              |
| S. 316          | Education Department auth. renegotiate cert. food storage contacts, Act 86-434, Reg. Sess. am'd.                                                                           | 72              |
| S. 203          | Timber Theft Equipment Condemnation Act, estab., penalties                                                                                                                 | 26              |
| S. 393          | Bonds, amount insurance companies & banks may purchase under federal Farm Credit Act, Section 5-5A-24 repealed                                                             | 51              |
| S. 73           | Teacher units further provided for, number of students in state funded classrooms in public schools                                                                        | 28              |
| S. 301          | Muns. of 2,000 or less inhabitants, gas tax proceeds auth. to be used for new streets and roads, Sec. 40-17-224 am'd.                                                      | 58              |
| H. 141          | Boards of ed., cert. ones auth. to establish self-funded insurance funds                                                                                                   | 70              |
| H. 209          | City and co. bds. of ed., Institute for Deaf and blind and Dept. of Youth Services School exempt from gasoline and lubricating oil tax, Secs. 40-17-31 and 40-17-171 am'd. | 70              |
| S. 296          | Teachers' Retirement System, cert. employees of st. jr. colleges, auth. to purchase prior service credit                                                                   | 58              |
| S. 148          | Counties and muns., auth. to provide tax increment financing for revitalization, consti. amend.                                                                            | 47              |
| S. 149          | Counties and muns., provide for tax increment financing for revitalizations                                                                                                | 48              |

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|--------|------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 111 | State Attorney's Inquiry Commission, established, prohibition on district attorney retirement benefits removed                                 | 69 |
| S. 401 | Boll Weevil Eradication, assessments for, Secs. 2-19-131 and 2-19-135 am'd.                                                                    | 72 |
| S. 302 | Notifiable diseases, state board of health duties                                                                                              | 54 |
| H. 535 | Alabama Medical Liability Act, chiropractors, optometrists and pharmacists included in term "Other Health Care Providers," Sec. 6-5-481 am'd.  | 85 |
| H. 106 | Speaker of the House, admin. assistant, status alt.                                                                                            | 47 |
| S. 289 | Records management and preservation, local gov't. records commission estab., Sec. 41-13-5 thru 41-13-22, 41-13-25 am'd.                        | 32 |
| S. 1   | Traffic fines incr., distrib. to traffic safety programs, Sec. 32-5-313 am'd.                                                                  | 86 |
| S. 233 | Not-for-profit corporations that are exempt from income taxation, civil immunity for officers and trustees                                     | 79 |
| S. 375 | Motor vehicles, trucks, trailers, and semi-trailers, license period extended to 5 yrs., option of fleet owners, Sec. 40-12-252 am'd.           | 42 |
| S. 259 | Insurance, continuing education requirements for salespersons, Sec. 27-3-27 am'd.                                                              | 51 |
| S. 228 | University of Alabama and Auburn University, commemorative automobile tags, disposition of revenue to pay public debt, Sec. 32-6-150 am'd.     | 44 |
| S. 229 | Motor vehicles, licensing and tax, RV's excluded from truck tax fees, effective on passage of distinctive license plates, Sec. 40-12-240 am'd. | 46 |
| S. 339 | Liquefied Petroleum Gas Bd., powers, duties, authorities and requirements, further req., creation of bond fund, Sec. 9-17-105 am'd.            | 31 |
| H. 171 | Limitation of liability of physicians serving on hospital committees.                                                                          | 52 |
| S. 232 | Municipal courts, bail and appeal procedures altered, Sections 12-14-5 and 12-14-70 amended                                                    | 82 |
| H. 163 | Physicians, lic. suspended when med. lic. bd. takes disciplinary action, Sec. 34-24-360 am'd.                                                  | 53 |
| S. 134 | Guardianship and Conservatorship laws revised; Title 26, Chapters 2, 3, 4, 5, 6 and 7 amended and repealed                                     | 5  |

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|        |                                                                                                                                                 |    |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 104 | Title passing by a mortgage, will not divest until all secured obligations are paid, Sec. 35-10-26 am'd.                                        | 1  |
| S. 236 | Littering, crime of, cert. types constitute prima facie evidence of crime, Sec. 13A-7-29 am'd.                                                  | 79 |
| S. 66  | Swine, prevention and eradication of hog cholera, swine diseases, conditional appropriation                                                     | 55 |
| S. 250 | Legislation requiring county to expend new or add'l funds, shall not be implemented until new fiscal yr., consti. amend.                        | 87 |
| S. 286 | Tort reform, statute of limitations on civil actions arising out of work performed by architects and engineers                                  | 63 |
| S. 285 | Tort reform, statute of limitations on cert. civil actions against materialmen                                                                  | 62 |
| S. 207 | Certificate of qualification for license to practice medicine issued to commissioned officer of medical corps, Section 34-24-75 amended         | 2  |
| S. 413 | Nuts, bulbs, fruits and vegetables, promotion of by assessment, intermediary referendum auth. to modify existing assessment, Sec. 2-8-135 am'd. | 73 |
| S. 102 | Employers' liabilities, pooling permitted so as to secure reinsurance, Sec. 25-5-9 am'd.                                                        | 2  |
| S. 42  | Mortgage recording tax, exempt re-recording for correction of errors, Secs. 40-22-1, 40-22-2 am'd.                                              | 39 |
| S. 161 | Persons convicted of DUI req. to complete a ct. referral program approved by Administrative Office of Cts., Sec. 32-5A-191 am'd.                | 8  |
| S. 126 | Burglary of homes, penalties incr., Secs. 13A-7-5, 13A-7-6 am'd.                                                                                | 8  |
| S. 141 | Mortgages further provided for so as to permit execution of deed in lieu of foreclosure, rights of parties                                      | 5  |
| S. 198 | Superintendent of Education, State, authorized to delay taking school census until 1998, Section 16-4-15 amended                                | 15 |
| S. 467 | State Council on Arts and Humanities, name changed, Sec. 41-9-41 am'd.                                                                          | 88 |
| S. 108 | Aeronautics Department, appropriations                                                                                                          | 38 |
| S. 45  | Hunting licenses for disabled provided, fishing licenses alt., Sec. 9-11-54 am'd.                                                               | 39 |
| S. 46  | State wildlife print and stamp, auth., Conservation and Natural Resources to administer                                                         | 40 |

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|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 369 | Farm trailers, cert. exempt from roadway restrictions, Secs. 32-9-26, 32-9-27, am'd.                                                                                                       | 73 |
| S. 75  | Trafficking in illegal drugs, class A felony, sections 20-2-80 and 20-2-81 amended                                                                                                         | 7  |
| S. 81  | Controlled Substances Act, incorporates in criminal code, creates classes of punishment, sections 20-2-71, 20-2-72, 20-2-73, 20-2-74, amended, sections 20-2-70, 20-2-76, 20-2-77 repealed | 16 |
| S. 37  | Grain dealers, cash payors exempted from law, bonding requirements, sec. 2-31-4 amended, sec. 2-31-2 repealed                                                                              | 26 |
| S. 38  | Public Warehouses, bonding requirements regulated; penalties altered, Sections 8-15-7 and 8-15-10 am'd.                                                                                    | 4  |
| S. 176 | Child Labor, statute am'd. to conform with fed. law, Sec. 25-8-4, 25-8-8 and 25-8-16 amended                                                                                               | 36 |
| S. 276 | Codes and Ordinances adopted by reference, Sec. 11-45-8 amended                                                                                                                            | 33 |
| S. 357 | Trailers, cotton module-movers exempt from trailer restrictions same as cotton wagons, Sec. 32-9-2 am'd.                                                                                   | 73 |
| S. 158 | Alabama Peace Officers Hall of Fame Board, estab., powers, duties                                                                                                                          | 31 |

### RECESS

At 11:25 A.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

At 12:05 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 88. Restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state; to prohibit campaign contributions to candidates for such office by members of the insurance industry and to prescribe Class B felony punishment for violations; and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and

processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notices and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearing, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

JIM SMITH,  
Chairperson.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 525. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, relating to the inventory of state property, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

Committee on Governmental Affairs.

By Senator Foshee:

S. 526. To amend Section 41-9-201(a), Code of Alabama 1975, which establishes the office of the Director of Development, so as to provide that the Director's salary shall be fixed by the Governor, at any reasonable amount not to exceed by \$25,742.00 the highest authorized salary for employees of the Alabama Development Office who are subject to the provisions of the merit system law.

Committee on Governmental Affairs.

By Senator Corbett:

S. 527. Relating to child day care home facilities licensed by the Department of Human Resources, to provide that such day care home facilities shall be deemed, for state or local zoning purposes, as residential usage.

Committee on Public Welfare.

By Senators Menton and Dixon:

S. 528. To amend Section 12-21-131, Code of Alabama 1975, which relates to interpreters for judicial proceedings for persons defective in speech and/or hearing, so as to provide further for such interpreters.

Committee on Judiciary.

By Senator Menton:

S. 529. To provide for an annual program of continuing education for municipal chiefs of police; to provide that chiefs who fail to comply with this act shall be subject to having his certification revoked by the Alabama Peace Officers Standards and Training Commission.

Committee on Judiciary.

By Senator Smith (B):

S. 530. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

Committee on Agriculture,  
Conservation, and Forestry.

By Senator Hand:

S. 531. To create the separate crimes of pandering of obscenity, wholesale pandering of obscenity, promoting or wholesale promoting of a sexual device, making obscene drawings, disseminating matter harmful to minors, unlawful exhibition or display of harmful materials to minors, unlawful exhibition of harmful performances at outdoor theaters, deception to obtain matter harmful to minors, compelling acceptance of objectionable materials, commercial nudity, and sexual exploitation of children; provides for jury instructions; and provides for penalties for violations of the aforementioned crimes.

Committee on Judiciary.

By Senator Hand:

S. 532. To require the endorsement of approval of subdivision plats or maps utilizing onsite sewage disposal systems prior to the recording; to provide for the regulation of facilities for the disposal of human wastes before occupancy; to require the testing, bonding and licensing of onsite sewage disposal system installers, repairers, cleaners or maintainers and to require examination and fees; to require permit expiration; to require the



payment of testing and licensing fees to the State Board of Health; and to authorize rules for the administration of this Act.

Committee on Governmental Affairs.

By Senator Hand:

S. 533. To provide for the method of filing applications for allocations of a portion of the "State ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "State ceiling" and conditions subsequent to such allocations; to allocate the entire "State ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State ceiling" at the discretion of the State Industrial Development Authority; to impose certain limitations upon allocations made to local issuers of affected bonds; to provide a procedure for carryforward allocations; to establish an effective date; and to designate the President of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

Committee on Finance and Taxation.

By Senators Smith (B), Smith (J), and Hale (With Notice and Proof):

S. 534. Relating to Madison County; to amend Section 1 of Act No. 80-277 of the 1980 Regular Session, (Acts of 1980, p. 366), entitled, "An Act Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes," so as to provide that in addition to its annual budget allocation, the legislative delegation is authorized to receive a separate allocation for extraordinary purchase of equipment, not to exceed 10% of its budget, as needed.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 534, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders (With Notice and Proof):

S. 535. Relating to Greene County; to extend the privilege or license and excise and sales tax provisions of Act No. 77-487, H. 1226 of the 1977 Regular Session (Acts 1977, p. 636) without any action of the County Governing Body or a vote of the people.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 535, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Sanders and Rice:

S. 536. To require the state to provide subsidized child day care services for eligible children.

Committee on Public Welfare.

By Senators Rice, Dial, Preuit, Campbell, Denton, Menton, Foshee, Ellis, Goodwin, Dixon, Bedsole, and Bailey:

S. 537. To establish a condemnation law of the State of Alabama for vehicles and equipment used in setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

Committee on Judiciary.

By Senator Barron (With Notice and Proof):

S. 538. Relating to Jackson County; to provide for the relief of Ruby Butler, former tax assessor of Jackson County, Alabama, by the payment of certain funds due her as expenses incurred during her term as tax assessor.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 538, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Amari (With Notice and Proof):

S. 539. To provide for the collection of special assessments by the appropriate official or employee of Jefferson County who is charged with the collection of property taxes or assessments in order to satisfy liens arising from the abatement of public nuisances caused by noxious or dangerous weeds.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 539, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

### FURTHER CONSIDERATION OF S. R. 107

The Senate proceeded to further consideration of the Resolution, S. R. 107.

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Drinkard and Cabaniss (With Amendment):

S. 421. To create the Alabama Self-Insurers Guaranty Association; to provide for the membership and duties of the board of directors of the association; to establish an insolvency fund; to establish procedures by which claims may be filed and paid; to provide that the department of industrial relations shall regulate the association; and to provide for immunity from certain liability for the association.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford:

S. 214. To amend Section 16-13-99, Code of Alabama 1975, to eliminate therefrom the schedule of maximum fees to be paid a paying agent bank for the services performed and expenses incurred in acting as paying agent, and to authorize boards of education to compensate paying agent banks in amounts deemed reasonable by the board of education.

By Senator Bedford:

S. 215. To provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten by the financial institution or by a syndicate which includes the financial institution or an affiliate of the financial institution.

By Senator Drinkard:

S. 479. To amend Section 35-4-6, Code of Alabama 1975, relating to leases with a term for more than 20 years, so as to provide that the invalidation of such leases for failure to record the lease within one year after execution thereof in the office of the judge of probate will not apply to the parties to the lease, their respective heirs, successors or assigns, or to other persons with notice of the lease, and to provide for its retroactive effect.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Buskey (JE):

H. 220. To amend Section 11-54A-7, Code of Alabama 1975, relating to Downtown Redevelopment Authorities so as to remove the restriction that state, county or municipal officers and employees cannot serve on the board of directors.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Manley (With Substitute):

S. 243. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Manley:

S. 244. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama supreme court instead of to the Alabama court of criminal appeals and then to the Alabama supreme court; to amend Code of Alabama 1975, §12-3-9 and §13A-5-53 accordingly; to provide that the Alabama supreme court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; to provide which cases this act applies to; to provide for the repeal of conflicting laws and the scope of that repeal; to provide for severability; and to provide an effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Manley (With Amendment):

S. 245. To authorize the department of revenue to collect debts owed to certain state agencies through set-off from debtors' income tax refunds, and to provide the procedure for such set-off.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Cabaniss, Bedsole, Drinkard, Dial, Dixon, Manley, Foshee, Corbett, Amari, Holmes, Bennett, Smith (J), Parsons, Smith (B), Covington, Preuitt, Figures, and Hilliard:

S. 426. To amend Section 40-18-27, Code of Alabama 1975, relating to income tax returns, so as to extend to an innocent spouse who signs a joint return without knowledge of all entries the same limited liability as granted for federal income tax purposes.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Preuitt and Bedsole (With Substitute):

S. 389. To require written notice to the district attorney and through him to the victim before temporary or conditional release of certain inmates;

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to define temporary or conditional release; to specify the inmates covered by the crime committed; to specify the notice required and its timing; to define victim; to define notice; and to provide that the district attorney or his assistant may represent the victim in communicating any objections to the Commissioner of the Department of Corrections.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Ellis, Cabaniss, Bedsole, Foshee, Hand, Campbell, and Preuitt:

S. 231. To amend Code of Alabama 1975, §15-22-23 and §15-22-36 to clarify the requirement that the victim in certain cases be given written notice and an opportunity to be heard before the board of pardons and paroles is authorized to even tentatively approve any pardon, parole, remission of fine or other forfeiture or restoration of civil and political rights; to amend §15-22-28 to provide that no order granting parole shall vest any right or have any force or effect for forty-five days after it is announced, and during that forty-five day period the board may rescind, cancel or nullify the parole for any reason; to further amend §15-22-36 to provide that the Attorney General or his representative shall have complete access to the prisoner's file; and to amend §15-22-39 to further specify the action or inaction which is subject to criminal penalties.

By Senator Dixon:

S. 335. To limit the amounts of judgments rendered against employees, officers, officials and servants of governmental entities as defined herein as a result of acts committed within the line and scope of their employment, and to limit such judgments to recovery for those acts involving wanton conduct.

By Senators Bedford, Foshee, Hale, Dixon, and Manley:

S. 477. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

By Senators Bedford, Foshee, Hale, Dixon, and Manley:

S. 478. To amend Sections 24-6-3 and 24-6-4, Code of Alabama 1975, so as to further provide for the duties, functions, administration and remuneration of the Alabama Manufactured Housing Commission; and to provide that no commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

By Senators Goodwin and Holmes:

S. 499. To provide badges to survivors of peace officers killed in the line of duty and to provide retirement badges to officers disabled in line of duty.

By Senator deGraffenried:

S. 135. To provide for the confidentiality of records, information or writings obtained or kept by the board in connection with the Board of Public Accountancy's Practice Review Program, or obtained or kept by the board of public accountancy pursuant to a disciplinary investigation.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes (With Substitute):

S. 56. To prescribe an additional criminal penalty for the sale, use, or distribution or the attempted sale or distribution of controlled substances in public or private schools in this state, or on the grounds of, or in the facilities of, any such school.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 451. To amend Section 32-8-61, Code of Alabama 1975, in order to provide that delivery to the Department of Revenue of the existing certificate of title, an application for a certificate of title and the required fee shall be made within twenty days in order for the security interest to be perfected as of the time of its creation.

By Rep. Flowers:

H. 10. To prohibit the display in public of any obscene bumper sticker, sign or writing; and to provide penalties for violations.

By Rep. Higginbotham:

H. 73. To amend Section 6-5-332, Code of Alabama, 1975, relating to rendering first aid or emergency care at the scene of an accident so as to include education employees.

By Reps. Beers, Drake, White (G), Grouby, Payne, White (F), Hamilton, Hooper, Knight, Petelos, Gray, McKee, Butler, Rains, Wright, Logan, Hill, Dillard, Mikell, Kvalheim, Gaston, Blakeney, Hall, Holley, Richardson, Junkins, Curry, Bowling, Adams, Cosby, Blake, Turnham, Carothers, Biddle, Slaughter, Walker, Laird, Beasley, Layson, Breedlove, Mathis, Frazier, Flowers, Johnson (RG), Hammett, Venable, McClain, Turner, Hogan, and Moon:

H. 346. To provide that no person shall perform an abortion on an unemancipated minor without parental involvement of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with

a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Covington:

S. 257. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

By Senator Rice:

S. 282. Relating to county or municipal or district water, sewer, or fire protection authorities incorporated pursuant to Chapter 88 or 89, Title 11, Code of Alabama 1975, so as to allow such authorities to indemnify its board of directors, officers, employees, accepted volunteer personnel, or agents for certain expenses, pursuant to judgments, settlements, agreements or other liabilities arising from their official acts for the authorities, and to authorize the purchase and maintenance of liability insurance for such purposes.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Hand (With Substitute):

S. 444. To define and prohibit the movement of any vehicle transporting "Extremely Hazardous Substances" upon a public highway without first being identified as such.

By Senator Bedsole (With Substitute):

S. 445. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Cabaniss:

S. 370. To define and prohibit the operation of all-terrain vehicles on roadways in Alabama.

By Senator Goodwin:

S. 475. To amend Section 32-5-240, Code of Alabama 1975, which relates to the use of headlights on motor vehicles, so as to provide further for such use.

By Reps. Penry and McMillan:

H. 137. To amend Sections 37-6-9, 37-6-10 and 37-6-11 to permit certain actions to be taken at area meetings of the members of rural electric

cooperatives instead of at central annual or special meetings if the bylaws so provide, prescribes the procedures therefor and requires a central annual meeting for consolidation, merger, dissolution, sale or leasing of more than 10% of cooperative assets or bankruptcy or reorganization.

By Reps. Hammett, Fuller, Holley, Mathis, Gaston, Cosby, White (L), Williams, Payne, Adams, Venable, Johnson (RG), Flowers, and Clark (J):

H. 322. To provide that a rural electric cooperative or a gas district may terminate or decline service if an applicant or customer, or a member of the applicant's or customer's household, is indebted to such rural electric cooperative or gas district at the present location or a former location of the applicant or customer; to provide for certain exemptions; and to provide for continuance of service by special deposits pending resolution of disputes.

By Rep. Starkey:

H. 325. To amend Section 32-5A-171, Code of Alabama 1975, which relates to the maximum speed limit of motor vehicles, so as to provide for an increase in the maximum speed limit on certain portions of the Interstate System and to provide for the marking of trucks and maximum speed limit of trucks transporting explosives, flammable liquids or hazardous wastes.

By Reps. Holley, Flowers, Hammett, and Venable:

H. 483. To amend Section 37-6-4 so as to allow a generating or transmission cooperative to use the word "power" in its name in lieu of the words "electric" or "cooperative" and to delete the requirement that the name of distribution cooperatives contain the word "electric."

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Preuitt:

S. 105. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1988.

By Senator Preuitt:

S. 106. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1988.

By Senator Rice:

S. 170. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1988.

By Senator Corbett:

S. 172. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1988.

By Senator Sanders:

S. 249. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1988.



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By Senator Bishop:

S. 307. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1988.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Goodwin and Foshee (With Substitute):

S. 150. To exempt from all state, county or local ad valorem taxes all property owned and used by the Selma-Dallas County Historic Preservation Society.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 242. To authorize State Troopers to retire with twenty-five years service and to provide for the formula to be used in calculating retirement benefits.

By Senator Bailey:

S. 253. Proposing an amendment to the Constitution of Alabama 1901, providing that all of the assets, proceeds or income of the Teachers', Employees', State Police, Public and Judicial Retirement Systems, or any successor systems thereto, and all contributions and payments made to such systems to provide for retirement and related benefits thereunder, shall be held, invested as authorized by law, or disbursed as in trust for the exclusive purpose of providing for such benefits, refunds and administrative expenses under the management of the boards of control of the aforementioned systems; and providing that none of such assets, proceeds, income, contributions or payments shall be used, loaned, encumbered or diverted to or for any other purpose whatsoever.

The above Bill was read a second time at length as required by the Constitution.

By Senator Hand:

S. 264. To amend section 9-3-10.1, Code of Alabama 1975, which provides for the emergency forest fire fund, so as to change the name to the emergency forest fire, insects and disease fund and to increase the ceiling on the appropriation to the fund.

By Rep. Harper:

H. 207. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective on October 1, 1987, or thereafter.

By Senators Denton, Bedford, Barron, Menton, Holmes, Goodwin, Smith (J), Preuitt, Hale, Bennett, Rice, Campbell, Hand, Dial, Bedsole, deGraffenried,

Manley, Amari, Bailey, Parsons, Langford, Dixon, Covington, and Smith (B):

S. 485. To further amend Section 41-9-682, Code of Alabama 1975, which section provides for the general powers of the Alabama music hall of fame, so as to further authorize the board to constitute a bond authority for the purposes of issuing general obligation bonds for capital outlay purposes, and for the purposes for which it was created; to provide for the circumstances under which the state of Alabama shall make payments on the costs incurred as a result of any such bond issue and to pledge its full faith and credit if necessary; to provide for the operation of such authority, its powers, duties and the allocation of bond proceeds; and to exempt such authority from any taxes of any nature, whether state, local or special.

By Senators Denton, Bedford, Barron, Menton, Holmes, Goodwin, Smith (J), Preuitt, Hale, Bennett, Rice, Campbell, Hand, Dial, Bailey, Bedsole, deGraffenried, Manley, Amari, Parsons, Langford, Dixon, Covington, and Smith (B):

S. 486. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to create an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

The above Bill was read a second time at length as required by the Constitution.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Campbell, Clark (J), Carter, and Harper:

H. 321. To clarify and extend the authority of city and county boards of education to manage the public schools over which they have legal responsibility.

By Rep. Venable:

H. 194. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (J), Campbell, Carter, Harper, and Williams (With Substitute):

H. 318. Relating to city and county boards of education; authorizing such boards to call a referendum on the question of levying additional sales and use taxes which parallel the state sales and use taxes including exemptions, occupation taxes or ad valorem taxes to be used for local school purposes pursuant to the ratification of an amendment to the Constitution authorizing same; providing the procedure for any referendums hereunder; and authorizing the levy and collection of any such tax approved by the voters.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (J), Campbell, Carter, and Harper:

H. 320. To require the state board of education to adopt standards for local public school systems in the management and supervision of the program areas of finance and student achievement and to ensure that standard accountability as reflected through performance levels specified by the state board of education and verified through monitoring activities including on site visitation and audits of reports submitted by local public school systems; and to provide for intervention to limit and/or supersede local board of education and local superintendent authority when standards are not being met as final assurance of compliance.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (J), Campbell, Carter, Harper, and Williams (With Substitute):

H. 319. Proposing an amendment to the Constitution of Alabama of 1901, authorizing city and county school boards to levy and collect additional sales and use taxes which parallel the state sales and use taxes including exemptions, occupation taxes or ad valorem taxes for local school purposes if approved by the qualified electors of the city or county.

The above Bill was read a second time at length as required by the Constitution.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Holmes (With Notice and Proof):

S. 497. Relating to Calhoun County; authorizing the county commission and the governing bodies of the municipalities located within the county to establish reasonable criteria for the issuance and renewal of licenses for the sale of alcoholic beverages.

By Reps. Crow, Campbell, and Willis (With Notice and Proof):

H. 618. Relating to Calhoun County; to provide further for the compensation and expense allowance of the members of the Civil Service Board.

By Reps. Crow, Campbell, and Willis (With Notice and Proof):

H. 620. Relating to Calhoun County; providing an additional expense allowance payable from the county treasury for the use of the coroner.

By Senators Sanders and Goodwin:

S. 506. To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more presently operating with five single-member districts as established under a Federal Court Order, so as to provide for a procedure to establish a council of eight aldermen to be elected from districts and a council president to be elected at large.

By Senator Ellis:

S. 488. To propose an amendment to the Constitution of Alabama of 1901 to provide home rule for Shelby County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders (With Notice and Proof):

S. 489. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

By Rep. White (L) (With Notice and Proof):

H. 41. Relating to Tallapoosa County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

By Rep. White (L) (With Notice and Proof):

H. 42. Relating to Tallapoosa County; providing for the county commission to reimburse the office of tax collector for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the tax collector may charge a fee for invalid checks.

By Rep. White (L):

H. 49. To propose an amendment to the Constitution of 1901, relating to the levy and collection of school district taxes for city and county school systems within Tallapoosa County; to provide that such taxes are cumulative to any and all other such taxes in Tallapoosa County; to provide that such tax shall be effective upon approval at a referendum called for the purpose and the ratification of this amendment at a referendum, pursuant to Amendment 425 of the Constitution of 1901, as amended, and which referendum shall constitute a referendum on the tax. The Tallapoosa County Board of Education shall administer the allocation of such tax.

The above Bill was read a second time at length as required by the Constitution.

By Rep. White (L) (With Notice and Proof):

H. 50. Providing the county governing body of Tallapoosa County to propose an additional four mills ad valorem tax on each dollar of taxable property, at a referendum called for the purpose of such levy, pursuant to Amendment No. 373 to the Constitution of 1901, as amended; prescribing the referendum procedure, the manner of collecting the net revenues from such additional ad valorem taxes; and providing the effective date.

By Rep. White (L) (With Notice and Proof):

H. 51. Relating to Tallapoosa County; levying an additional ad valorem tax in the county with proceeds therefrom to be deposited in the county general fund to be expended for certain fire protection purposes upon referendum approval of such levy by the qualified electors of the county and prescribing certain criteria for eligibility to receive funding from the proceeds of such additional ad valorem taxes.

By Rep. White (L) (With Notice and Proof):

H. 52. Relating to Tallapoosa County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

By Rep. White (L) (With Notice and Proof):

H. 55. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Tallapoosa County; to prohibit the performance of certain work on private property and provide civil fines for violations; providing for an advisory referendum election called for such purpose; and providing for an effective date.

By Rep. McMillan (With Notice and Proof):

H. 385. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley, in Baldwin County.

By Rep. Black (With Notice and Proof):

H. 400. Relating to Sumter County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

By Rep. Headley (With Notice and Proof):

H. 433. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court for Bibb County.

By Rep. Headley (With Notice and Proof):

H. 437. To apply only in Bibb County providing for service of witness subpoenas by mail.

By Rep. Bryant:

H. 447. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County and the operation of said probate judge's office.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Bryant:

H. 448. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Perry County and the operation of said probate judge's office.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Hill and Knight (With Notice and Proof):

H. 452. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

By Rep. Headley (With Notice and Proof):

H. 459. Relating to Bibb County; providing for an additional fee for motor vehicle tags and providing for the disposition of such fees.

By Rep. Reed (With Notice and Proof):

H. 623. Relating to Macon County; authorizing the sheriff of Macon County to employ a county jail administrator and providing for a salary.

By Rep. Reed (With Notice and Proof):

H. 625. Relating to Macon County; prescribing procedure by which the county commission may set the hours for its regular monthly meetings.

By Rep. Reed (With Notice and Proof):

H. 626. Relating to Macon County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Macon County favor a revenue commissioner.

By Rep. Reed (With Notice and Proof):

H. 627. Relating to Macon County; to amend Sections 9 and 15 of Act No. 83-575, 1983 Regular Session, relating to the Macon County Racing Commission so as to provide for an orderly flow of the distribution of the proceeds of the commission; to provide further for the distribution of the proceeds to Shorter, Alabama and to the Macon County Sheriff's Department; to correct certain arithmetic errors relating to the distribution of the net proceeds of fees, commissions, taxes and other monies received by said Macon County Racing Commission from the operation of said race track; and to correct the titles of certain institutions and departments.

Senator Bishop, Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Goodwin, Menton, Smith (B), and Bishop (With Amendments):

S. 300. To amend Section 9-17-6, Code of Alabama 1975, which relates to the state oil and gas board, so as to authorize the board to regulate enhanced recovery methods, including Class II injection wells; and to delegate power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, which provides for notification and filing fees prior to drilling wells, so as to authorize the board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board special fund, and to provide that well permit fees, filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

### RECESS

At 12:15 P.M., on motion of Senator deGraffenried, the Senate took a recess until 1:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### MOTIONS IN WRITING

On motion of Senator Dixon, the Rules were suspended, and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 162, on page 35 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 162, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Langford requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 44, on page 10 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 44, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Holmes requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 321, on page 43 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 321, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 215. MOURNING THE DEATH OF FAY S. PERRY OF TALLADEGA COUNTY, ALABAMA.

Also:

H. J. R. 216. CONGRATULATING MR. AND MRS. HOMER BRAZIER ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 217. CONGRATULATING THE PELL CITY HIGH SCHOOL "MARCHING BAND OF GOLD."

Also:

H. J. R. 221. COMMENDING RONALD E. WILKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 222. COMMENDING GENE WADE FOR DISTINGUISHED SERVICE TO THE MARSHALL COUNTY ASSOCIATION OF VOLUNTEER FIREMEN AND TO THE COMMUNITY.

Also:

H. J. R. 228. COMMENDING JEFF MASSEY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 229. COMMENDING HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL, A SELECTION OF THE STATE DEPARTMENT OF EDUCATION AS ONE OF THE TOP NINE SCHOOLS IN ALABAMA.

Also:

H. J. R. 230. COMMENDING MOBILE SOUTHWEST STATE TECHNICAL COLLEGE'S COMPETITION WINNERS.

Also:

H. J. R. 233. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 234. RECOGNIZING THE SIGNIFICANT CONTRIBUTION OF THE ALABAMA STATE EMPLOYMENT SERVICE TO THE CITIZENS OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.



**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 200. COMMENDING COACH PHILLIP LANDERS AND THE FAYETTEVILLE HIGH SCHOOL WOLVES ON THEIR 1987 STATE 1A BASEBALL CHAMPIONSHIP.

Also:

H. J. R. 201. COMMENDING PATRICK DAVID AARON OF TRUSSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 208. COMMENDING ETOWAH HIGH SCHOOL, ATTALLA, ALABAMA, ON THE 1987 CLASS 5A STATE BASEBALL CHAMPIONSHIP.

Also:

H. J. R. 209. RELATIVE TO MEETING DATE.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects as provided in Section 34-2-38 specifically, and as provided in Sections 34-2-30 through 34-2-42 generally, of the Code of Alabama 1975, with certain modifications; to amend Sections 34-2-32, 34-2-33, 34-2-35, and 34-2-40, so as to provide further certain structures to which Article 2 of Title 34 does not apply; to provide further for the qualifications of applicants of the board and the fees

and renewal fees of the board's licenses; to provide for the licensing of corporations and partnerships; to prohibit certain practices; and to provide further for meetings and officers of the board.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board for General Contractors as provided in Section 34-8-20, specifically, and in Sections 34-8-1 through 34-8-27, generally, of the Code of Alabama 1975 with one modification; to amend Section 34-8-9 so as to issue building permits in the county area.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 435. Relating to Chilton County; levying an ad valorem tax in the county, not to exceed a certain millage rate pursuant to Constitutional Amendment 373, Constitution of 1901, as amended, and simultaneously rescinding certain existing ad valorem taxes enacted pursuant to Amendments 72 and 125 of the said Constitution, which are designated for public health and indigent care, so as to redesignate certain portions of such revenues for law enforcement, county roads and bridges, as well as public health and disease prevention, and other county purposes; providing a referendum on said ad valorem taxes.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 432. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested

compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action

must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health

care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

said Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE OF CONFERENCE**  
**ON HOUSE BILL 432**

We, the Committee of Conference appointed to reconcile the difference between the two Houses concerning House Bill 432 have met, considered the matter, and agreed to the following:

Substitute for H. B. 432 is attached.

JOE R. CAROTHERS, JR.,  
G. J. HIGGINBOTHAM,  
PERRY O. HOOPER, JR.,  
Conferees of the House.

RICHARD P. MANLEY,  
JIM PREUITT,  
RYAN deGRAFFENRIED, JR.,  
Conferees of the Senate.

**CONFERENCE SUBSTITUTE FOR H. B. 432**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the trier of the fact shall itemize damages as past damages, future damages, and punitive damages, and to provide that the trier of the fact shall not reduce any future damages to present value, and to provide that if the trial court determines that one or more of the specified damages is not recoverable in an action that category of damages shall be omitted from the itemization, and to provide that if the award of future damages assessed by the trier of the fact is greater than one hundred fifty thousand dollars (\$150,000.00) the trial court shall enter judgment against the defendants for one hundred fifty thousand dollars (\$150,000.00) of such future damages and enter judgment requiring the defendants to pay the balance of such future damages by periodic payments over a period of years in accordance with the evidence, and to require the judgment to specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made, and to require that the total amount of all such periodic payments shall not exceed the total amount of the future damages contained in the verdict, and to require that the defendants either post security sufficient to assure full payment of such damages or provide evidence the defendants have insurance, or to purchase an annuity of sufficient value to pay the future damages, and to require that future damages shall not be reduced to present value and no interest is to be charged on said damages, and to

provide for the payment of plaintiff's attorney fees from a portion of the award of future damages if required, and to provide that if the judgment creditor dies before the termination of the period of years for which such payments are to be made the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to a spouse or children, or both, to whom the judgment creditor owed a duty of support immediately before his death, which duty of support shall be deemed to cease upon the death or remarriage of a spouse or the death or attainment of age twenty-two (22) years by a child, provided, however, that upon the death of a spouse leaving children to whom the judgment creditor owed a duty of support, payments due the spouse shall be paid to the children until they attain the age of twenty-two (22) years, and to provide that if the judgment debtor has exhibited a continuing pattern of failure to make payments as specified in the judgment the court shall find the judgment debtor in contempt of court and in addition to the required periodic payment shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, and to provide that for any installment payment which is more than twenty (20) days late there shall be added interest from the date payment was due at a rate of twenty percent (20%) per annum compounded daily and attorney's fees if necessary to collect the amount due, and to provide that the court may modify the judgment to award and apportion the unpaid future damages, and to provide that following the occurrence or expiration of all obligations specified in the periodic payment judgment the obligation of the judgment debtor shall cease and any security given shall revert to the judgment debtor, and to provide that in the event periodic payments are ordered the court shall order the judgment marked satisfied when the judgment debtor satisfies the court that he is adequately insured, or posts bond, or purchases an annuity; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages, including punitive damages, shall not exceed the sum of four hundred thousand dollars (\$400,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or death whether in contract or in tort against a health care provider based on a breach of the standard of care where medical or hospital expenses are claimed evidence that the plaintiff's medical or hospital expenses have been paid or will be reimbursed is admissible as competent evidence, and to provide that upon admission of evidence respecting reimbursement of said expenses, the plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such expenses and to provide for pre-trial discovery respecting such benefits; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the act or omission and to provide for transfer of the action to the county

wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410, Code of Alabama 1975, the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00) and to provide for adjustment of the one million dollars (\$1,000,000.00) every twelve (12) months to reflect any increase or decrease in the consumer price index; to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similarly situated health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similarly situated health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints and amendments to complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or

omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Statement of Legislative Intent. It is hereby declared by the Legislature of the State of Alabama that a crisis threatens the delivery of medical services to the people of Alabama and the health and safety of the citizens of this state are in jeopardy. In accordance with the previous declaration of the Legislature contained in Act 513 of the regular session of the 1975 Alabama Legislature it is the declared intent of this Legislature to insure that quality medical services continue to be available at reasonable costs to the citizens of the State of Alabama. This Legislature finds and declares that the increasing threat of legal actions for alleged medical injury causes and contributes to an increase in health care costs and places a heavy burden upon those who can least afford such increases, and that the threat of such actions contributes to expensive medical procedures to be performed by physicians and other health care providers which otherwise would not be considered necessary, and that the spiraling costs and decreasing availability of essential medical services caused by the threat of such litigation constitutes a danger to the health and safety of the citizens of this state, and that this Act should be given effect immediately to help control the spiraling cost of health care and to insure its continued availability. Additionally, the Legislature finds that the increasing threat of legal actions for alleged medical injury has resulted in a limitation on the number of physicians providing specialized health care in this state. Because of the limited number of insurers offering professional liability coverage and because of the prejudice to the rights of the defendant health care provider through the interjection of evidence of insurance, the Legislature finds that the interest of all citizens will best be served by prohibiting the introduction of evidence that a witness testifying at trial is insured by the same insurer as the defendant health care provider.

Section 2. This Article may be cited and known as "The Alabama Medical Liability Act of 1987" and is intended to supplement "The Alabama Medical Liability Act", Act No. 513 of the 1975 Regular Session of the Alabama Legislature. The provisions of this Act shall be construed so as to be consistent with Act No. 513 of the 1975 Regular Session of the Alabama Legislature. The provisions of this Act shall be construed so as to be consistent with Act No. 513 of the 1975 Regular Session of the Alabama Legislature and the legislative intent stated herein.

Section 3. Definitions. For the purposes of this Act the following terms shall have the meanings respectively ascribed to them by this section:

1. Health Care Provider. A medical practitioner, dental practitioner, medical institution, physician, dentist, hospital, or other health care provider as those terms are defined in §6-5-481.

2. Standard of Care. The standard of care is that level of such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in like cases. A breach of the standard of care is the failure by a health care provider to comply with the standard of care, which failure proximately causes personal injury or wrongful death. This definition applies to all actions for injuries or damages or wrongful death whether in contract or tort and whether based on intentional or unintentional conduct.



3. Future Damages. Damages for future medical treatment, care or custody, loss of future earnings, future loss of earning capacity, future loss of bodily function, future loss of consortium or future pain and suffering.

4. Periodic Payment. The payment of money or delivery of other property to the judgment creditor at regular intervals.

5. Substantial Evidence. Substantial evidence is that character of admissible evidence which would convince an unprejudiced thinking mind of the truth of the fact to which the evidence is directed.

Section 4.A. In any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the damages assessed by the trier of fact shall be itemized as follows:

1. Past damages
2. Future Damages
3. Punitive Damages

The trier of fact shall not reduce any future damages to present value. If the trial court determines that any one or more of the above categories is not recoverable in the action, that category or categories shall be omitted from the itemization.

B. Where the damages assessed against a defendant or defendants by the trier of fact include an award of future damages, the trial court shall comply with the following in rendering its judgment in the case:

(1) Judgment shall be entered against the defendants for all past damages and punitive damages assessed against the defendants by the trier of fact;

(2) (a) If the award of future damages assessed by the trier of fact is \$150,000.00 or less, the trial court shall enter judgment against the defendants for the amount of such future damages.

(b) If the award of future damages assessed by the trier of fact is greater than \$150,000.00, the trial court shall (i) enter judgment against the defendants for \$150,000.00 of such future damages and (ii) enter judgment requiring the defendants to pay the balance of such future damages in excess of \$150,000.00 by periodic payments over a period of years not to exceed such period of years as, according to the evidence offered during the trial of the case, such future damages may be incurred. In entering a judgment against the defendants ordering the payment of future damages by periodic payments the trial court shall make a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages as the same may be incurred, as determined from the evidence offered during the trial of the case. If, or to the extent that, the evidence offered at trial did not indicate the approximate time or timeframe within which the future damages would be incurred, the trial court, for the purpose of determining the amount of periodic payments and the interval between such payments, shall conclusively presume that such damages will be incurred throughout the life expectancy of the judgment creditor on an equal monthly basis. The judgment ordering payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. The total amount of all such periodic payments when added to the sum of \$150,000.00 and when added to that portion of the future damages award utilized for the

payment of a portion of the attorney's fees owed by the judgment creditor shall not exceed the total amount of future damages contained in the verdict.

C. As a condition to authorizing periodic payments for future damages the Court shall require that the defendants either post security sufficient to assure full payment of such damages, or provide evidence the defendants have insurance sufficient to pay the periodic payments as the same become due and that the insurance company which is obligated to pay the judgment holds a certificate of authority in this state, or purchase an annuity of sufficient value to pay the future damages. Nothing contained herein shall be construed as limiting the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages. The provisions of this section shall also apply to any judgment entered following remittitur.

D. The future damages shall not be reduced to present value and no interest is to be charged on said damages. No evidence shall be received by the trier of fact concerning the present value of such future damages except pursuant to this subsection. If, as part of the plaintiff's contract with his attorney, the plaintiff is obligated to pay his attorney a fee based on that portion of the award of future damages which exceeds \$150,000.00, the Court shall determine what portion of the award of future damages in excess of \$150,000.00 is owed to the attorney under the contract and shall enter judgment for the remainder of the award of future damages in excess of \$150,000.00 as provided in subsection B.(2)(b) above. As to that portion of the award of future damages in excess of \$150,000.00 which is owed to the plaintiff's attorney, that portion shall be reduced to present value by the court, utilizing the life expectancy of the judgment creditor, and judgment shall be entered against the defendant for the reduced amount.

E. Where a judgment is entered for the payment of future damages by periodic payments the following shall apply:

(1) If the judgment creditor dies before the termination of the period of years during which such payments are to be made, the liability of the judgment debtor and every entity or person who has assumed his obligations to pay the judgment creditor shall cease and the estate of the judgment creditor shall have no claim for such payments, except that damages awarded for loss of future earnings as determined by the Court shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to a spouse or children, or both, to whom the judgment creditor owed a duty of support, as provided by law, immediately before his death.

(2) Such duty of support shall be deemed to cease upon the death or remarriage of a spouse or the death or attainment of age twenty-two (22) years by a child, provided, however, that upon the death of a spouse leaving children to whom the judgment creditor owed a duty of support as set out above, payments due the spouse shall be paid to the children until they attain the age of twenty-two (22) years. The death of a child under twenty-two (22) years of age terminates all payments to him.

(3) In the event the Court finds that the judgment debtor has exhibited a continuing pattern of failure to make payments as specified in this section, the Court shall find the judgment debtor in contempt of Court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including court costs and reasonable attorney's fees. In addition, where an installment payment is more than twenty (20) days late,

there shall be added to the amount due for that installment interest from the date payment was due at the rate of twenty percent (20%) per annum compounded daily, and attorney's fee if necessary to collect the amount due.

F. The Court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with subsection E of this section. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make future payments shall cease and any security given shall revert to the judgment debtor.

G. In the event periodic payments are ordered under this section, the Court shall order the judgment marked satisfied when the judgment debtor satisfies the Court that he is adequately insured or posts security sufficient to assure full payment of such damages or purchases an annuity of sufficient value as set out in subsection C of section 4 of this act.

H. It is the intent of the Legislature in enacting this section to require the entry of judgments in malpractice actions against health care providers which provide for the payment of future damages in excess of \$150,000.00 through periodic payments rather than lump sum payments. By authorizing periodic payment of judgments as required herein it is the intent of the Legislature that the Courts will utilize such judgments to provide compensation sufficient to meet the needs of an injured plaintiff and those persons who are dependent upon the plaintiff for the period of years during which said future damages may be incurred, and to eliminate the potential windfall from a lump sum recovery which was intended to provide for the care of an injured plaintiff over an extended period who then dies shortly after the judgment is paid, leaving the balance of the judgment award to persons and purposes for which it is not intended. It is also the intent of the Legislature that all elements of the periodic payment program be specified with certainty in the judgment ordering such payments.

Section 5.A. In any action for injury whether in contract or in tort against a health care provider based on a breach of the standard of care, the injured plaintiff and spouse upon proper proof may be entitled to recover non-economic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damage.

B. In no action shall the amount of recovery for non-economic losses, including punitive damages, either to the injured plaintiff, the plaintiff's spouse or other lawful dependents or any of them together exceed the sum of four hundred thousand dollars (\$400,000.00). Plaintiff shall not seek recovery in any amount greater than the amounts described herein for non-economic losses. During the trial of any action neither the court nor any party shall advise or infer to the jury that it may not return an award for non-economic losses in excess of an amount specified herein; in the event the jury is so advised or such inference is made, the trial court, upon motion of an opposing party, shall immediately declare a mistrial. Any verdict returned which includes an award for non-economic losses in an amount greater than that permitted herein shall be reduced by the trial court to an amount which will include an award of non-economic losses no greater than that permitted herein or to such lesser sums as the trial court deems appropriate in accordance with prevailing standards for reducing excessive verdicts.

Section 6.A. In all actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses have been or will be paid or reimbursed shall be admissible as competent evidence. In such actions upon admission of evidence respecting reimbursement or payment of medical or hospital expenses, the plaintiff shall be entitled to introduce evidence of the cost of obtaining reimbursement or payment of medical or hospital expenses.

B. In such civil actions, information respecting such reimbursement or payment obtained or such reimbursement or payment which may be obtained by the plaintiff for medical or hospital expenses shall be subject to discovery.

C. Upon proof by the plaintiff to the Court that the plaintiff is obligated to repay the medical or hospital expenses which have been or will be paid or reimbursed, evidence relating to such reimbursement or payment shall be admissible.

Section 7. In any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care, the action must be brought in the county wherein the act or omission constituting the alleged breach of the standard of care by the defendant actually occurred. If plaintiff alleges that plaintiff's injuries or plaintiff's decedent's death resulted from acts or omissions which took place in more than one county within the State of Alabama, the action must be brought in the county wherein the plaintiff resided at the time of the act or omission, if the action is one for personal injuries, or wherein the plaintiff's decedent resided at the time of the act or omission if the action is one for wrongful death. If at any time prior to the commencement of the trial of the action it is shown that the plaintiff's injuries or plaintiff's decedent's death did not result from acts or omissions which took place in more than one county, on motion of any defendant the Court shall transfer the action to such county wherein the alleged acts or omissions actually occurred. For the convenience of parties and witnesses, in the interest of justice, a court may transfer any action to any other county where it might have been brought hereunder and/or may order a separate trial as to any claim or party.

Section 8. In any action commenced pursuant to §6-5-391 or §6-5-410 Code of Alabama, 1975, against a health care provider whether in contract or in tort based on a breach of the standard of care the amount of any judgment entered in favor of the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00). Any verdict returned in any such action which exceeds one million dollars (\$1,000,000.00) shall be reduced to one million dollars (\$1,000,000.00) by the trial court or such lesser sum as the trial court deems appropriate in accordance with prevailing standards for reducing excessive verdicts. During the trial of any action brought pursuant to §6-5-391 or §6-5-410 neither the court nor any party shall advise or infer to the jury that it may not return a verdict in excess of one million dollars (\$1,000,000.00); in the event the jury is so advised or such inference is made the court, upon motion of an opposing party, shall immediately declare a mistrial. The maximum amount payable under this section, one million dollars, (\$1,000,000.00), shall be adjusted on April 15th of each year to reflect any increase or decrease during the preceding calendar year in the Consumer Price Index of the U.S. Department of Commerce. Said adjustment shall equal the percentage change in the consumer price index during the preceding calendar year.

Section 9.A. In any action for injury or damages or wrongful death, whether in contract or in tort, against a health care provider for breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in a like case.

B. If the health care provider whose breach of the standard of care is claimed to have created the cause of action is not certified by an appropriate American Board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself out as a specialist, a "similarly situated health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and
2. Is trained and experienced in the same discipline or school of practice; and
3. Has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred.

C. If the health care provider whose breach of the standard of care is claimed to have created the cause of action is certified by an appropriate American Board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similarly situated health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and
2. Is trained and experienced in the same specialty; and
3. Is certified by an appropriate American Board in the same specialty; and
4. Has practiced in this specialty during the year preceding the date that the alleged breach of the standard of care occurred.

D. No evidence shall be admitted or received, whether of a substantive nature or for impeachment purposes, concerning the medical liability insurance, or medical insurance carrier, or any interest in an insurer that insures medical or other professional liability, of any witness presenting testimony as a "similarly situated health care provider" under the provisions of this section or of any defendant.

E. The purpose of this section is to establish a relative standard of care for health care providers. A health care provider may testify as an expert witness in any action for injury or damages against another health care provider based on a breach of the standard of care only if he is a "similarly situated health care provider" as defined above.

Section 10. In any action for injury or damages or wrongful death, whether in contract or in tort, against a health care provider based on a breach of the standard of care the minimum standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence. In all such actions, whether arising in tort or in contract, the Scintilla Rule of evidence is abolished. In all pleadings or

motions filed in such actions testing the sufficiency of the evidence to support an issue of fact, including but not limited to motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and any other such motions or pleadings respecting the sufficiency of the evidence, the standard of proof required shall be proof by substantial evidence.

Section 11. There is hereby created a cause of action for damages for malicious prosecution on the grounds that the party instituting a civil action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care knew or should have known that the same was without adequate legal basis, or false, or unfounded, or without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing such a civil action known to be without legal basis, false or unfounded. In any action for malicious prosecution under this section, the injured party may recover actual damages including litigation costs paid by or on behalf of the injured party or in the alternative liquidated damages of five hundred dollars (\$500.00) plus a reasonable attorney's fee and all other costs of litigation. In an action for malicious prosecution under this section, actual malice need not be an element of the claim nor do special damages need to be proved. The elimination of these requirements in permitting the recovery of actual damages or liquidated damages, a reasonable attorney's fee and other costs of litigation is intended to be in derogation of the common law. The cause of action established by this section is not a compulsory counterclaim in the original civil action upon which it is based for the purposes of Rule 13, Alabama Rules of Civil Procedure.

Section 12. In any action for injury, damages or wrongful death, whether in contract or in tort, against a health care provider for breach of the standard of care the plaintiff shall include in the complaint filed in the action a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff. The plaintiff shall amend his complaint timely upon ascertainment of new or different acts or omissions upon which his claim is based; provided, however, that any such amendment must be made at least ninety (90) days before trial. Plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other act or omission. Any complaint which fails to include such detailed specification and factual description of each act and omission shall be subject to dismissal for failure to state a claim upon which relief can be granted.

Section 13. This Act applies to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action, shall supersede any inconsistent provision of law.

Section 14. The provisions of this Act are severable, and if any part thereof be declared unconstitutional or void by any court of competent jurisdiction, such declaration shall not affect those parts remaining.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

And said Bill, H. B. 432, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 432, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

Senator Manley moved that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 432, the title of which and said Conference Report are set out in the foregoing Message from the House.

On motion of Senator Hilliard, further consideration of the Report of the Committee on Conference for the Bill, H. B. 432, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 535, adopted.

Yeas 26; Nays 1.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Langford  |
| Amari     | Covington     | Goodwin  | Manley    |
| Bailey    | deGraffenried | Hale     | Menton    |
| Barron    | Dial          | Hand     | Preuitt   |
| Bedsole   | Dixon         | Hilliard | Smith (B) |
| Bennett   | Drinkard      | Holmes   | Smith (J) |
| Cabaniss  | Figures       | Horn     |           |

—26

*Nay:* Senator Parsons

—1

### BILLS ON THIRD READING

#### THE BILL:

H. 535. To amend Section 6-5-481 of the Code of Alabama 1975, relating to definitions of terms used in the Alabama Medical Liability Act so as to provide further for the definition of the terms "Other Health Care Providers" and "Professional Corporation."

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 535, to-wit:

### SUBSTITUTE FOR H. B. 535

#### A BILL TO BE ENTITLED AN ACT

To amend Section 6-5-481 of the Code of Alabama 1975, relating to definitions of terms used in the Alabama Medical Liability Act so as to

provide further for the definition of the terms "Other Health Care Provider's" and "Professional Corporation"; to provide for the repeal of inconsistent laws or parts of laws; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 6-5-481 of the Code of Alabama 1975 is hereby amended to read as follows:

"§6-5-481.

"For the purposes of this article, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) **MEDICAL PRACTITIONER.** Anyone licensed to practice medicine or osteopathy in the state of Alabama, engaged in such practice, including medical professional corporations, associations and partnerships.

"(2) **DENTAL PRACTITIONER.** Anyone licensed to practice dentistry in the state of Alabama, engaged in such practice, including professional dental corporations, associations and partnerships.

"(3) **MEDICAL INSTITUTION.** Any licensed hospital, or any physician's, ~~or dentist's, or Other Health Care Provider's,~~ office or clinic containing facilities for the examination, diagnosis, treatment or care of human illnesses.

"(4) **PROFESSIONAL CORPORATION.** Any medical, ~~or dental, or Other Health Care Provider's~~ professional corporation ~~or any medical or dental or~~ professional association.

"(5) **PHYSICIAN.** Any person licensed to practice medicine in Alabama.

"(6) **DENTIST.** Any person licensed to practice dentistry in Alabama.

"(7) **HOSPITAL.** Such institutions as are defined in section 22-21-21 as hospitals.

"(8) **OTHER HEALTH CARE PROVIDERS.** Any professional corporation or professional association, chiropractor, optometrist, pharmacist, podiatrist or licensed nurse, or any person employed by a Physicians, Dentists, Chiropractor, Optometrist, Pharmacist, Podiatrist, Licensed Nurse, ~~or hospital, or professional corporation or professional association~~ who are directly involved in the delivery of health care services.

"(9) **MEDICAL LIABILITY.** A finding by a judge, jury or arbitration panel that a physician, dentist, medical institution or other health care provider did not meet the applicable standard of care, and that such failure was the proximate cause of the injury complained of, resulting in damage to the patient."

Section 2. All other laws, or parts of laws, which in any manner inconsistent with this act are repealed to the extent they are inconsistent with this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, H. B. 535, to-wit:

**AMENDMENT TO SUBSTITUTE FOR H. B. 535**

Amend the Substitute for H. B. 535, on Page 2, Line 18, by inserting the word "psychologist," after the word "pharmacist".



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Further amend the Substitute for H. B. 535, on Page 2, Line 19, by inserting the word "psychologist," after the word "pharmacist".

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 28; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Langford  |
| Amari     | deGraffenried | Goodwin  | Manley    |
| Bailey    | Dial          | Hale     | Menton    |
| Barron    | Dixon         | Hand     | Preuitt   |
| Bedsole   | Drinkard      | Hilliard | Sanders   |
| Bennett   | Ellis         | Holmes   | Smith (B) |
| Cabaniss  | Figures       | Horn     | Smith (J) |
| Campbell  |               |          |           |

—28

*Nays:* —0

And said Bill, H. B. 535, as thus amended by the substitute, as amended, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Goodwin  | Manley    |
| Amari     | deGraffenried | Hale     | Parsons   |
| Bailey    | Dial          | Hand     | Preuitt   |
| Bedsole   | Dixon         | Hilliard | Sanders   |
| Bennett   | Drinkard      | Holmes   | Smith (B) |
| Cabaniss  | Ellis         | Horn     | Smith (J) |
| Campbell  | Foshee        | Langford |           |

—26

*Nays:* —0

RESOLUTION

Senators Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 108. EXPRESSING SUPPORT FOR THE JULY 4TH "BUY ALABAMA FIRST" CAMPAIGN.

WHEREAS, Alabama's goods, products and services are unparalleled in quality; and

WHEREAS, Alabama's limitless reservoir of natural resources and its ideal geographic location serve as attractive lures for potential industries and businesses; and

WHEREAS, Alabama's citizens are a tribute and a complement to its resources and location; and

WHEREAS, Alabama's WBRC-6 "Buy Alabama First" campaign encourages businesses that produce, manufacture or grow Alabama products and provide services to promote their goods and services; and

WHEREAS, the goals of the campaign are to increase awareness and enhance pride in Alabama; and

WHEREAS, WBRC-6's first "Buy Alabama First" campaign will culminate in a celebration of Alabama's pride on July 4th at the State Fairgrounds in Birmingham, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATIVE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we declare the week of July 4th as "Buy Alabama First" week, and urge all of our citizens to realize that Alabama is the greatest state in the union and to show their active support for all programs designed to enlighten and enhance Alabama's pride and products with individuals around the world.

BE IT FURTHER RESOLVED, That we commend WBRC-6 for their pride in our state and community in promoting such a commendable and worthwhile project.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

#### BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., S. B. 193, adopted.

Yeas 24; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Goodwin  | Manley    |
| Amari     | deGraffenried | Hale     | Menton    |
| Barron    | Dial          | Hand     | Preuitt   |
| Bedsole   | Drinkard      | Hilliard | Sanders   |
| Bennett   | Ellis         | Holmes   | Smith (B) |
| Cabaniss  | Foshee        | Langford | Smith (J) |
| Campbell  |               |          |           |

—24

Nays:

—0

#### SPECIAL ORDER

##### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 193. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

having been placed on the Consent Calendar on the Thirteenth Legislative Day.

And said Bill, S. B. 193, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 21; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Menton    |
| Bedsole   | Drinkard      | Hilliard | Preuitt   |
| Bennett   | Ellis         | Holmes   | Sanders   |
| Cabaniss  | Foshee        | Langford | Smith (B) |
| Campbell  | Goodwin       | Manley   | Smith (J) |
| Corbett   | Hale          |          |           |

—21

Nays: —0

**BUDGET ISOLATION RESOLUTION**

Senator Cabaniss, B. I. R., S. B. 55, adopted.

Yeas 18; Nays 0.

Yeas:

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Dixon    | Hale     | Menton    |
| Bennett       | Drinkard | Hand     | Preuitt   |
| Cabaniss      | Ellis    | Hilliard | Sanders   |
| Campbell      | Foshee   | Holmes   | Smith (J) |
| deGraffenried | Goodwin  | Langford |           |

—18

Nays: —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 55. To establish an Alabama Men's Hall of Fame; prescribes its purposes and membership; and provides for election of members and officers and for holding of meetings.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 55, to-wit:

**AMENDMENT TO S. B. 55**

On page 2, line 5, delete in its entirety the following language "The newly elected Board of directors' membership" and insert in lieu thereof the following:

"The newly elected board of directors"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Dial     | Hand     | Manley    |
| Bennett       | Dixon    | Hilliard | Menton    |
| Cabaniss      | Drinkard | Holmes   | Preuitt   |
| Campbell      | Ellis    | Horn     | Sanders   |
| Corbett       | Goodwin  | Langford | Smith (J) |
| deGraffenried | Hale     |          |           |

—21

Nays: —0

And said Bill, S. B. 55, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 2.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Dixon    | Hale   | Parsons   |     |
| Cabaniss      | Drinkard | Hand   | Pruitt    |     |
| Campbell      | Ellis    | Horn   | Sanders   |     |
| deGraffenried | Foshee   | Manley | Smith (J) |     |
| Dial          | Goodwin  | Menton |           | —18 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Bedsole | Corbett | —2 |
|-----------|---------|---------|----|

### BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 84, adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hand     | Manley    |     |
| Bedsole   | Dixon         | Hilliard | Menton    |     |
| Bennett   | Drinkard      | Holmes   | Pruitt    |     |
| Cabaniss  | Ellis         | Horn     | Sanders   |     |
| Campbell  | Hale          | Langford | Smith (J) | —19 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 84. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Manley    |     |
| Bennett   | Dial          | Hand     | Menton    |     |
| Cabaniss  | Dixon         | Holmes   | Pruitt    |     |
| Campbell  | Drinkard      | Horn     | Smith (J) |     |
| Corbett   | Ellis         | Langford |           | —18 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 83, adopted.

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Yeas 18; Nays 0.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dixon    | Hilliard | Preuitt   |     |
| Bennett       | Drinkard | Horn     | Sanders   |     |
| Cabaniss      | Ellis    | Langford | Smith (B) |     |
| deGraffenried | Foshee   | Manley   | Smith (J) |     |
| Dial          | Hand     | Menton   |           | —18 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 83. To provide for an Alabama Trade Secrets Act. To provide definitions, considerations for determining misappropriation, the remedies available for actual and threatened misappropriation and provide a two year statute of limitations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hilliard | Menton    |     |
| Bedsole   | Dial          | Holmes   | Preuitt   |     |
| Bennett   | Dixon         | Horn     | Sanders   |     |
| Cabaniss  | Drinkard      | Langford | Smith (B) |     |
| Corbett   | Ellis         | Manley   | Smith (J) |     |
| Covington | Hand          |          |           | —21 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Covington, B. I. R., S. B. 365, adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Menton    |     |
| Bedsole   | Dixon         | Hilliard | Preuitt   |     |
| Bennett   | Drinkard      | Horn     | Sanders   |     |
| Cabaniss  | Ellis         | Langford | Smith (B) |     |
| Covington | Foshee        | Manley   | Smith (J) | —19 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 365. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hale     | Menton    |
| Bedsole   | Dial          | Hand     | Parsons   |
| Bennett   | Dixon         | Hilliard | Preuitt   |
| Cabaniss  | Drinkard      | Horn     | Sanders   |
| Campbell  | Ellis         | Langford | Smith (B) |
| Corbett   | Foshee        | Manley   | Smith (J) |
| Covington |               |          |           |

—24

*Nays:*

—0

### BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 85, adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Foshee   | Menton    |
| Bedsole   | Dial          | Hale     | Preuitt   |
| Bennett   | Dixon         | Horn     | Sanders   |
| Cabaniss  | Drinkard      | Langford | Smith (B) |
| Campbell  | Ellis         | Manley   | Smith (J) |

—19

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 85. To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Foshee   | Manley    |
| Bedsole   | Dial          | Hale     | Preuitt   |
| Bennett   | Dixon         | Hilliard | Sanders   |
| Cabaniss  | Drinkard      | Horn     | Smith (B) |
| Campbell  | Ellis         | Langford |           |

—18

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Preuitt, B. I. R., S. B. 316, adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Hale     | Manley    |     |
| Amari     | deGraffenried | Hand     | Menton    |     |
| Bedsole   | Dial          | Hilliard | Preuitt   |     |
| Bennett   | Ellis         | Holmes   | Smith (B) |     |
| Cabaniss  | Foshee        | Langford | Smith (J) | —19 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 316. To amend Act 86-434, Section 1, Code of Alabama 1975, which relates to the authority of the State Department of Education to enter into contracts for periods not greater than three years for the storage of and distribution of the United States Department of Agriculture commodities, so as to provide for contracts to be renegotiated in the second and third year.

was taken up.

On motion of Senator Sanders, further consideration of the Bill, S. B. 316, was postponed subject to the call of the Chair.

**RESOLUTIONS**

Senator Barron offered the following Senate Resolutions, to-wit:

S. R. 109. COMMENDING VIRGINIA SKELTON OF WOODVILLE, ALABAMA, ON HER OUTSTANDING CAREER IN PUBLIC EDUCATION.

Also:

S. R. 110. COMMENDING MICHAEL BLALOCK OF SYLVANIA HIGH SCHOOL AND DEKALB COUNTY VOCATIONAL SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 111. COMMENDING ELEANOR MUSE OF SCOTTSBORO ON HER DISTINGUISHED CAREER IN PUBLIC EDUCATION.

Which were filed.

Senators Ellis, Barron, Amari, Bailey, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 112. MOURNING THE DEATH OF BOATSWAIN'S MATE 1ST CLASS BRADLEY OTIS BROWN OF WILTON, ALABAMA.

WHEREAS, it is with heavy heart and in deep regret that the Legislature of Alabama records the death of our state's native son, Bradley Otis Brown of Wilton, Alabama, on May 17, 1987, at the age of 28 years; and

WHEREAS, a native of Calera and a Boatswain's Mate 1st Class, United States Navy, Bradley Otis Brown was serving aboard the USS Stark and was one of 37 of the Stark's crew killed in an Iraqi jet attack on the American vessel as it patrolled the Persian Gulf, in international waters; and

WHEREAS, Bradley Otis Brown, though eligible for discharge from the Navy after nine years of distinguished service, had just recently committed to another tour of duty, and thus motivated through abiding patriotism and love of country, was aboard the Stark on that fateful day that is now a page in history that is edged in black; and

WHEREAS, Bradley Otis Brown was indeed a courageous seaman and his death was one of supreme sacrifice; his life, given in the line of duty, was the life of a true hero; and he was an honorable Alabamian, in whom we are justly proud; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Bradley Otis Brown of Wilton, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Veronica Brown, and sons, Cedric, Adrian and Brandon; and to other family members, whose sorrow is shared by our state and nation, and for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

### FURTHER CONSIDERATION OF S. B. 316

The Senate proceeded to further consideration of the Bill, S. B. 316.

And said Bill, S. B. 316, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Foshee   | Manley    |     |
| Amari     | Corbett       | Goodwin  | Menton    |     |
| Bailey    | Covington     | Hale     | Preuitt   |     |
| Barron    | deGraffenried | Holmes   | Sanders   |     |
| Bedsole   | Ellis         | Horn     | Smith (B) |     |
| Cabaniss  | Figures       | Langford | Smith (J) | —23 |

Nays: —0

### BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 97, adopted.



Yeas 20; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Menton    |
| Bailey    | Dial          | Holmes   | Preuitt   |
| Barron    | Foshee        | Horn     | Sanders   |
| Bedsole   | Goodwin       | Langford | Smith (B) |
| Cabaniss  | Hale          | Manley   | Smith (J) |
| Campbell  |               |          |           |

—20

Nay: Senator Amari

—1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 97. To state the background of this act and the intent of the legislature in passing it; to provide that the parties to any sale or purchase of real property, which shall include the sale and purchase of any improvements on such real property, shall have the right and ability to state in writing that such transaction shall not be subject to any implied warranties which exist now or in the future, and in such case, no implied warranties shall apply to such transaction, including the implied warranty of fitness and habitability as stated by the Alabama Supreme Court in Cockran v. Keeton, 287 Ala. 439, 252 So. 2d 313, Capra v. Smith, 372 So. 2d 321, and Sims v. Lewis, 374 So. 2d 298, and their progeny; to provide language which will be sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability as stated in such court decisions; to provide for the retroactive effect of this law for transactions which comply with it; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

having been postponed on the Eleventh Legislative Day, was taken up.

Senator Barron offered the following substitute for the Bill, S. B. 97, to-wit:

### SUBSTITUTE FOR S. B. 97

#### A BILL TO BE ENTITLED AN ACT

Relating to implied warranties which apply to the sale of real estate and the waiver and relinquishment of such; to provide the intent of the legislature regarding this Act; to provide that a purchaser of real property, which shall include the sale and purchase of any improvements on such real property, shall have the right and ability to state in writing that such transaction shall not be subject to any implied warranties which exist now or in the future, and in such case, no implied warranties shall apply to such transaction, including the implied warranty of fitness and habitability as stated by the Alabama Supreme Court in Cochran v. Keeton, 287 Ala. 439, 252 So.2d 313, Capra v. Smith, 372 So. 2d 321, and Sims v. Lewis, 374 So.2d 298, and their progeny; to provide language which will be sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability

as stated in such court decisions; to provide for the retroactive effect of this law for transactions which comply with it; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Background and Legislative Intent. In the case of *Cockran v. Keeton*, 287 Ala. 439, 252 So.2d 313, the Alabama Supreme Court overruled prior law in this state as to certain real estate transactions, specifically as to improved real property sold by a builder-vendor, and in later cases (particularly *Capra v. Smith*, 372 So. 2d 321, and *Sims v. Lewis*, 374 So.2d 298, and their progeny) imposed on sales by builder-vendors an implied warranty of fitness and habitability. The purpose of this Act, and the intent of the legislature in passing it, is to provide that a purchaser of real estate can state in writing that no implied warranties shall apply to such transaction. In such instances, the court decisions cited above shall not apply to such transactions nor shall any other implied warranty, now in existence or created in the future, apply to such transaction.

Section 2. In those real estate transactions wherein the purchaser so states in writing his/her intent that no implied warranties, now in existence or created in the future, shall apply to said transaction, such implied warranties, including the implied warranty of fitness and habitability as stated by the Alabama Supreme Court in *Cockran v. Keeton*, 287 Ala. 439, 252 So.2d 313, *Capra v. Smith*, 372 So.2d 321, and *Sims v. Lewis*, 374 So.2d 298, and their progeny shall not apply to the described real estate transaction.

Section 3. Any written language may be used which expresses the intention of the purchaser that the transaction shall not be subject to any implied warranties and such will be effective to limit the transaction to express warranties. However, without limiting or restricting the use of other language, the following language shall be legally sufficient to take advantage of the provisions of this Act and to prevent any implied warranties, including the implied warranty of fitness and habitability:

(After identifying the parties and the real estate transaction involved)  
This transaction is not subject to any implied warranties, whether in existence now or created in the future, including the implied warranty of fitness and habitability. The entire agreement between the parties is expressed in the written contract dated (date inserted).

Section 4. This Act shall have no effect on any express written warranty between the parties and the ability of any party to seek recovery upon such express written warranty.

Section 5. This Act shall have retroactive effect and shall apply to all transactions wherein a purchaser has stated in writing that such party is waiving or foregoing any implied warranty.

Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 7. Any law or court decision in conflict with or inconsistent with this Act is hereby repealed in so far as such law or court decision conflicts with or is inconsistent with this Act.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Senator Parsons offered the following amendment to the substitute for the Bill, S. B. 97, to-wit:

**AMENDMENT TO SUBSTITUTE FOR S. B. 97**

Amend Senate Bill No. 97 Page 3 Line 19, by inserting after the word warranty

Nothing in this Act shall be construed to prevent the buyer of a new house in Alabama the right to live in said new house without making repairs to the structure of said house for the period of one years. These repairs apply only to the defects of materials and workmanship of the builder.

Which was adopted.

On motion of Senator Barron, further consideration of the Bill, S. B. 97, and pending substitute, as amended, was postponed subject to the call of the Chair.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects as provided in Section 34-2-38 specifically, and as provided in Sections 34-2-30 through 34-2-42 generally, of the Code of Alabama 1975, with certain modifications; to amend Sections 34-2-32, 34-2-33, 34-2-35, and 34-2-40, so as to provide further certain structures to which Article 2 of Title 34 does not apply; to provide further for the qualifications of applicants of the board and the fees and renewal fees of the board's licenses; to provide for the licensing of corporations and partnerships; to prohibit certain practices; and to provide further for meetings and officers of the board.

Also:

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board for General Contractors as provided in Section 34-8-20, specifically, and in Sections 34-8-1 through 34-8-27, generally, of the Code of Alabama 1975 with one modification; to amend Section 34-8-9 so as to issue building permits in the county area.

Also:

H. 435. Relating to Chilton County; levying an ad valorem tax in the county, not to exceed a certain millage rate pursuant to Constitutional Amendment 373, Constitution of 1901, as amended, and simultaneously rescinding certain existing ad valorem taxes enacted pursuant to Amendments 72 and 125 of the said Constitution, which are designated for public health and indigent care, so as to redesignate certain portions of such revenues for law enforcement, county roads and bridges, as well as public health and disease prevention, and other county purposes; providing a referendum on said ad valorem taxes.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 55. To establish an Alabama Men's Hall of Fame; prescribes its purposes and membership; and provides for election of members and officers and for holding of meetings.

JIM SMITH,  
Chairperson.

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B. I. R., S. B. 203.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions, with the original Senate Bills and Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 13. NAMING THE OVERPASS AT MEMORIAL PARKWAY AND UNIVERSITY DRIVE IN HUNTSVILLE, ALABAMA, IN HONOR AND MEMORY OF THE LATE RALPH H. FORD.

Also:

S. J. R. 44. COMMENDING FRANK GOURDOUZE OF SOUTHERN UNION STATE JUNIOR COLLEGE ON HIS OUTSTANDING COACHING CAREER.

Also:

S. J. R. 45. COMMENDING EVA GOLSON OF MOBILE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO ALABAMA'S TRAVEL INDUSTRY.

Also:

S. J. R. 46. COMMENDING DR. J. E. KIMBROUGH ON HIS DISTINGUISHED MEDICAL CAREER.

Also:

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

Also:

S. 218. Relating to the City of Jacksonville, Calhoun County; authorizing the Jacksonville City governing body to levy an additional ad valorem tax in School District Number 53 to be used for educational purposes and providing for a referendum on such taxes.

Also:

S. 320. To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

JIM SMITH,  
Chairperson.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### ADJOURNMENT

At 4:15 P.M., on motion of Senator Corbett, the Senate adjourned until Tuesday, June 9, 1987, at 2 o'clock P.M.

Yeas 16; Nays 6.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Manley    |     |
| Amari     | Ellis         | Hilliard | Parsons   |     |
| Barron    | Figures       | Horn     | Sanders   |     |
| Corbett   | Foshee        | Langford | Smith (B) |     |
| Covington |               |          |           | —16 |

*Nays:*

|           |          |          |           |    |
|-----------|----------|----------|-----------|----|
| Senators: | Cabaniss | Drinkard | Smith (J) |    |
| Bedsole   | Dial     | Preuitt  |           | —6 |

## **SIXTEENTH LEGISLATIVE DAY**

**TUESDAY, JUNE 9, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Thomas E. Jordan, Pastor, Lilly Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Greg Butrus, Mountain Brook High School, Birmingham, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Manley    |
| Amari     | Covington     | Goodwin  | Menton    |
| Bailey    | deGraffenried | Hale     | Parsons   |
| Barron    | Dial          | Hand     | Preuitt   |
| Bedford   | Dixon         | Hilliard | Rice      |
| Bedsole   | Drinkard      | Holmes   | Sanders   |
| Bennett   | Ellis         | Horn     | Smith (B) |
| Cabaniss  | Figures       | Langford | Smith (J) |
| Campbell  |               |          |           |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Bishop and Denton for today.

**CERTIFICATE OF ELECTION**

In the Name and by the Authority of the

STATE OF ALABAMA

I, Glen Browder, Secretary of State of the State of Alabama, in accordance with the Constitution and the laws of the State of Alabama, do hereby certify as duly elected:

HONORABLE HINTON MITCHEM  
MEMBER  
ALABAMA STATE SENATE  
DISTRICT NINE  
STATE OF ALABAMA

on the 2nd day of June, 1987, according to the election returns filed with the Secretary of State.

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the State Capitol, Montgomery, Alabama, on this day.

June 9, 1987

Date

GLEN BROWDER,  
Secretary of State.

**RECESS**

At 2:10 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair, for the purpose of the swearing in of Senator-elect Hinton Mitchem by Judge John Patterson, Alabama Court of Criminal Appeals.

At 2:25 P.M., the purpose of the recess having been accomplished, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**COMMITTEE APPOINTMENTS ANNOUNCED**

The President and Presiding Officer of the Senate announced that Senator Mitchem has been appointed to the following Standing Committees of the Senate, to-wit:

Agriculture, Conservation, and Forestry, Vice Chairperson

(Forestry, Fish, and Game subcommittee)

Economic Affairs

Governmental Affairs

Public Welfare

Business and Labor Relations

**FURTHER CONSIDERATION OF CONFERENCE  
REPORT ON H. B. 432**

The Senate proceeded to further consideration of the Report of the Committee on Conference to reconcile the differences between the two Houses on the Senate amendment to the Bill:

H. 432. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the verdict equals or exceeds one hundred thousand dollars (\$100,000.00) in future damages and if the plaintiff requested compensation for future damages or offered proof of future damages during trial and to require the trial court in its discretion to determine from the evidence the amount of future damages contained in the verdict and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys' fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments and to provide that nothing herein shall limit the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other nonpecuniary damages and that the amount of such damages shall not exceed the sum of two hundred fifty thousand dollars (\$250,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the defendant may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the rehabilitation services and disability insurance benefit provisions of the United States Social Security Act, any state income disability or workers compensation act, any health



insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such actions and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant except as permitted under a contract in force and effect prior to the effective date of this Act and to provide that following the effective date of this Act all policies of insurance providing benefits described in this section shall be written and construed in accordance with this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the negligent act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the negligent act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00); to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school or practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in

any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

which said House and Conference message is set out in the Journal of the Senate for the Fifteenth Legislative Day. The question was on the motion offered by Senator Manley that the Senate concur in said Conference Report.

And said motion was adopted, and the Senate concurred in and adopted the Conference Report on the Bill, H. B. 432.

Yeas 24; Nays 2.

*Yeas:*

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Dixon    | Hale     | Mitchem   |
| Bedford       | Drinkard | Hand     | Preuitt   |
| Bedsole       | Ellis    | Holmes   | Rice      |
| Cabaniss      | Figures  | Langford | Sanders   |
| Campbell      | Foshee   | Manley   | Smith (B) |
| deGraffenried | Goodwin  | Menton   | Smith (J) |
| Dial          |          |          |           |

—24

*Nays:*

|           |         |          |
|-----------|---------|----------|
| Senators: | Corbett | Hilliard |
|-----------|---------|----------|

—2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 81. Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages

and future damages assessed against that defendant, but that, upon motion of the defendant, the judgment for future damages must be structured over a period not to exceed 15 years so long as the court receives adequate assurance that the defendant can and will make all required payments and so long as the court does not determine that the structure would be manifestly unjust under the circumstances of the case; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or effects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

said Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE OF CONFERENCE ON**  
**HOUSE BILL 81**

We, the Committee of Conference appointed to reconcile the difference between the two Houses concerning House Bill 81 have met, considered the matter, and agreed to the following:

Substitute for H. B. 81 is attached.

G. J. HIGGINBOTHAM,  
JOE R. CAROTHERS, JR.,  
PERRY O. HOOPER,  
Conferees of the House.

RICHARD P. MANLEY,  
JIM PREUITT,  
Conferees of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR H.B. 81**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama 1975; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages other than attorney fees, should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and punitive damages assessed against that defendant, but that, the judgment for all future damages in excess of \$150,000 except attorney fees shall be structured, so long as the court receives adequate assurance that the defendant can and will make all required payments; to

provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that no certificate of judgement shall issue or be recorded with respect to an award of future damages which is structured; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or affects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. In any civil action based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, the damages assessed by the fact finder shall be itemized as follows:

1. Past damages
2. Future damages
3. Punitive damages

The fact finder shall not reduce any future damages to present value. Where the court determines that any one or more of the above categories is not recoverable in the action, those categories shall be omitted from the itemization.

Section 2. For purposes of this act, the following definitions shall apply:

(a) **PAST DAMAGES**—damages and losses suffered or incurred prior to the date of judgment

(b) **FUTURE DAMAGES**—damages and losses reasonably anticipated to be suffered or incurred following the date of judgment.

As used herein, the terms "PLAINTIFF" and "DEFENDANT" shall include the singular and the plural.

Section 3. Where the damages assessed against a defendant by the trier of fact include an award of future damages, the trial court shall comply with the following in rendering its judgment in the case:

(a) Judgment shall be entered against the defendant for all past damages and punitive damages assessed against the defendant by the trier of fact.

(b) If the award of future damages assessed by the trier of fact is \$150,000 or less, the trial court shall enter judgment against the defendants for the amount of such future damages.

(c) If the award of future damages assessed by the trier of fact is greater than \$150,000, the trial court shall enter judgment as follows:

(i) Judgment shall be entered against the defendant for \$150,000 of such future damage.

(ii) If, as part of the plaintiff's contract with his attorney, the plaintiff is obligated to pay his attorney a fee based on that portion of the award of future damages which exceeds \$150,000, the court shall determine what portion of the award of future damages in excess of \$150,000 is owed to the attorney under the contract and shall enter judgment for the remainder of the award of future damages in excess of \$150,000 as provided in (iii), below. As to that portion of the award of future damages in excess of \$150,000 which is owed to the plaintiff's attorney, that portion shall be reduced to present value by the court and judgment shall be entered against the defendant for the reduced amount.

(iii)(1) For that portion of a future damage award in excess of \$150,000 and in excess of the attorney's fee subject to (ii), above, judgment shall be entered requiring the defendant to pay that portion of such future damages by periodic payments over a period of years not to exceed such period of years as, according to the evidence offered during the trial of the case, such future damages may be incurred. In entering a judgment against the defendants ordering the payment of future damages by periodic payment, the trial court shall make a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages as the same may be incurred, as determined from the evidence offered during the trial of the case. If, or to the extent that, the evidence offered at trial did not indicate the approximate time or time frame or both within which the future damages would be incurred, the trial court, for the purpose of determining the amount of periodic payments and the interval between such payments, shall conclusively presume that such damages will be incurred throughout the life expectancy of the judgment creditor on an equal periodic basis. The judgment ordering payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or period of time over which payments shall be made. The total amount of all periodic payments when added to the sum of \$150,000 and when added to that portion of the future damages award, not reduced to present value, which was used to calculate the attorney's fee in paragraph (ii), above, shall not exceed the total amount of future damages contained in the verdict of the trier of fact.

(2) As a condition to authorizing periodic payments for future damages, the court must receive adequate assurance that the defendant can and will make all required payments. Such assurance may include the requirement that the defendant either have sufficient financial ability to make all required payments, post adequate bond or other security, give evidence that there exists an insurance company, registered in this state, which is obligated to pay the judgment, or purchase an annuity of sufficient value to pay the future damages as structured, or any accelerated payments of those damages which might be required by this act. Nothing contained herein shall be construed as limiting the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict, or order a remittitur of damages. The provisions of this section shall also apply to any judgment following remittitur.

(3) An award of future damages shall not be reduced to present value by the court, except as required in (ii), above, and no interest is to be charged on said damages. Evidence of the present value of future damages is inadmissible in cases covered by this act, except at a hearing authorized by Section 5, herein. If, however, the court determines that damages which

should be structured pursuant to (iii), above, cannot be structured due to the failure of the defendant to provide the financial assurances required in (iii) (2), above, that portion of the future damage award shall be reduced to present value by the court prior to entry of judgment.

Section 4. Where a judgment is structured pursuant to Section 3, above, the following shall apply:

(a) Should the judgment creditor die before the final installment is paid, the remaining payments shall be made to the estate of the decedent, or as otherwise directed by the court having jurisdiction over the estate.

(b) Where an installment payment is more than 15 days late, there shall be added to the amount due for that installment interest from the date payment was due at the rate of 20 percent per annum, compounded daily, and attorney's fee if necessary to collect the amount due.

(c) Upon motion of the judgment creditor, or his estate in the event of his death, the structure may be terminated and all unpaid installments declared immediately due if the court finds that the judgment debtor has exhibited a continuing pattern of failing to pay installments when due or that there is a reasonable likelihood that future payments may not be timely made. In all such cases, the court may further assess the debtor with costs and the creditor's attorney's fees relating to all proceedings conducted pursuant to this paragraph.

(d) No certificate of judgment shall issue or be recorded against any defendant for that portion of an award of future damages which is structured.

Section 5. The court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required in Section 3 and Section 4, above.

Section 6. Nothing in this act shall be construed to alter or affect the nature, elements, form, or amount of damages recoverable in any action.

Section 7. If any section, clause, provision, or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect any other section, clause, or provision of this act which is not in or of itself invalid or unconstitutional.

Section 8. This act shall not affect the rights of any person if such rights accrued prior to the effective date of this act.

Section 9. All laws or parts of laws which conflict with any provision of this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And said Bill, H. B. 81, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 81, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

Senator Drinkard moved that the Senate non-concur in the Report of the Committee on Conference appointed to reconcile the disagreement of

the two Houses on the Senate amendment to the Bill, H. B. 81, the title of which and said Conference Report are set out in the foregoing Message from the House.

Senator Manley offered a substitute motion that the Senate concur in said Conference Report, which was adopted, and the Senate concurred in and adopted the Conference Report on the Bill, H. B. 81.

Yeas 22; Nays 2.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Dixon    | Hand     | Mitchem   |
| Bedford   | Drinkard | Hilliard | Preuitt   |
| Bedsole   | Ellis    | Holmes   | Rice      |
| Cabaniss  | Figures  | Langford | Sanders   |
| Campbell  | Foshee   | Manley   | Smith (B) |
| Dial      | Hale     | Menton   |           |

—22

*Nays:*

|           |         |               |    |
|-----------|---------|---------------|----|
| Senators: | Corbett | deGraffenried | —2 |
|-----------|---------|---------------|----|

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 25. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

said Conference Report being in words and figures as follows:

### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 25

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the Senate's Substitute for H. B. 25 have met, considered the bill as substituted and have agreed to the following report:

1. We recommend that the bill be amended as follows and then passed by both houses:

On page 1, line 27, delete the language:

“the civil actions to which this bill would apply”

And insert in lieu thereof the following:

“that this act shall not apply to any civil action pending on its effective date”

Respectfully submitted,

G. J. HIGGINBOTHAM,  
JOE R. CAROTHERS, JR.,  
PERRY O. HOOPER, JR.,  
Conferees on the part of the House.

RICHARD MANLEY,  
JIM PREUITT,  
RYAN deGRAFFENRIED, JR.,  
Conferees on the part of the Senate.

### CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 25

#### A BILL TO BE ENTITLED AN ACT

To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a change or transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

##### Section 1. Change or Transfer of Venue.

(a) With respect to civil actions filed in an appropriate venue, any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer any civil action or any claim in any civil action to any court of general jurisdiction in which the action might have been properly filed and the case shall proceed as though originally filed therein. Provided, however, this act shall not apply to cases subject to Section 30-3-5 of the Code of Alabama 1975.

(b) The right of a party to move for a change or transfer of venue pursuant to this statute is cumulative and in addition to the rights of a party to move for a change or transfer of venue pursuant to Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule.

Section 2. All other laws, or parts of laws, which are in any manner inconsistent with this Act are repealed to the extent that they are inconsistent with this Act.

Section 3. If any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction,



such holding shall not affect any other section, clause, or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 4. This Act shall not apply to any civil action pending on the effective date of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, H. B. 25, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 25, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

Senator Drinkard moved that the Senate non-concur in the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 25, the title of which and said Conference Report are set out in the foregoing Message from the House.

Senator Manley offered a substitute motion that the Senate concur in said Conference Report, which was adopted, and the Senate concurred in and adopted the Conference Report on the Bill, H. B. 25.

Yeas 27; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Foshee   | Manley    |     |
| Bailey    | deGraffenried | Goodwin  | Menton    |     |
| Bedford   | Dial          | Hale     | Mitchem   |     |
| Bedsole   | Dixon         | Hand     | Preuitt   |     |
| Bennett   | Drinkard      | Hilliard | Rice      |     |
| Cabaniss  | Ellis         | Holmes   | Sanders   |     |
| Campbell  | Figures       | Horn     | Smith (B) | —27 |

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 27. Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, liability for punitive damages as defined within this Act must be proved by the overwhelming weight of the clear and convincing evidence and the amount of such damages shall not exceed the amount of any damages assessed against the defendant other than punitive damages or \$100,000, whichever is less; to provide that, in

tort cases arising out of a contract, punitive damages shall only be awarded when the plaintiff is entitled to recover on the contract claim as a matter of law; to provide that this Act does not create a cause of action or right to recover punitive damages; to provide for definitions of certain terms used in this Act; to provide that a principal shall not be liable for punitive damages based on the acts or omissions of an agent unless the principal had advance knowledge of unfitness of the agent and employed him with conscious disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill become law.

said Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE OF CONFERENCE**  
**ON HOUSE BILL 27**

We, the Committee of Conference appointed to reconcile the difference between the two Houses concerning House Bill 27 have met, considered the matter, and agreed to the following:

Substitute for H. B. 27 is attached.

G. J. HIGGINBOTHAM,  
JOE R. CAROTHERS, JR.,  
PERRY O. HOOPER, JR.,  
Conferees of the House.

RICHARD MANLEY,  
JIM PREUITT,  
RYAN deGRAFFENRIED, JR.,  
Conferees of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 27**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, liability for punitive damages must be proved by clear and convincing evidence; to provide that this act does not create a cause of action for or right to recover punitive damages; to provide for definitions of certain terms used in this act; to provide that the amount of such punitive damages shall not exceed \$250,000.00, unless it is based on a pattern or practice of intentional wrongful conduct or conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice or an action for libel, slander or defamation; to provide that an award of punitive damages shall not be entitled to a presumption of correctness and in all cases wherein a verdict for punitive damages is rendered, the court shall, on the motion of a party, conduct an evidentiary hearing and independently reassess the nature, extent and economic impact of such award and reduce or increase the award if appropriate; to provide that on appeal there shall be no presumption of correctness in regard to an award of punitive damages; to provide that this act does not limit the ability of a trial or appellate court to set aside or reverse an award of punitive damages, or to

order a new trial; to provide that punitive damages may not be awarded against the state of Alabama or any county or municipality thereof, or any agency thereof, except any entity covered under the Medical Liability Act now codified as Section 6-5-480 et seq., Code of Alabama 1975, or any acts amendatory thereto; to provide that a principal shall not be liable for punitive damages for intentional wrongful conduct or conduct involving actual malice based on the acts or omissions of an agent unless the principal knew or should have known of the unfitness of the agent and employed him or continued to employ him, or used his services without proper instruction with disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; or unless the acts of the agent, servant or employee were calculated to or did benefit the principal, employer or other master, except where the plaintiff knowingly participated with the agent, servant or employee to commit wrongful conduct with full knowledge of the import of his act; to provide that argument or mention, in the presence of the jury, of the classifications or limitations established in this act is not permissible and shall be ground for a mistrial; to provide that this act shall not apply to actions for wrongful death pursuant to Section 6-5-391 and Section 6-5-410, Code of Alabama 1975; to provide for certain exceptions; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) Punitive damages may not be awarded in any civil action, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, other than in a tort action where it is proven by clear and convincing evidence that the defendant consciously or deliberately engaged in oppression, fraud, wantonness, or malice with regard to the plaintiff. Nothing contained in this act is to be construed as creating any claim for punitive damages which is not now present under the law of the State of Alabama.

(b) As used in this act, the following definitions shall apply:

(1) "Fraud" shall mean an intentional misrepresentation, deceit, or concealment of a material fact the concealing party had a duty to disclose, which was gross, oppressive or malicious and committed with the intention on the part of the defendant of thereby depriving a person or entity of property or legal rights or otherwise causing injury.

(2) "Malice" is defined as the intentional doing of a wrongful act without just cause or excuse, either:

a. With an intent to injure the person or property of another person or entity, or

b. Under such circumstances that the law will imply an evil intent.

(3) "Wantonness" shall mean conduct which is carried on with a reckless or conscious disregard of the rights or safety of others.

(4) "Clear and convincing evidence" shall mean evidence that, when weighed against evidence in opposition, will produce in the mind of the trier of fact a firm conviction as to each essential element of the claim and a high probability as to the correctness of the conclusion. Proof by clear and convincing evidence requires a level of proof greater than a preponderance

of the evidence or the substantial weight of the evidence, but less than beyond a reasonable doubt.

(5) "Oppression" shall mean subjecting a person to cruel and unjust hardship in conscious disregard of that person's rights.

Section 2. An award of punitive damages shall not exceed \$250,000.00, unless it is based upon one or more of the following:

(a) A pattern or practice of intentional wrongful conduct, even though the damage or injury was inflicted only on the plaintiff; or,

(b) Conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice; or,

(c) Libel, slander or defamation.

Section 3. Argument or mention, in the presence of the jury, of the classifications or limitations established in Section 2 above is not permissible and shall be ground for a mistrial.

Section 4. (a) No presumption of correctness shall apply as to the amount of punitive damages awarded by the trier of the fact.

(b) In all cases wherein a verdict for punitive damages is awarded, the trial court shall, upon motion of any party, either conduct hearings or receive additional evidence, or both, concerning the amount of punitive damages. Any relevant evidence, including but not limited to the economic impact of the verdict on the defendant or the plaintiff, the amount of compensatory damages awarded, whether or not the defendant has been guilty of the same or similar acts in the past, the nature and the extent of any effort the defendant made to remedy the wrong and the opportunity or lack of opportunity the plaintiff gave the defendant to remedy the wrong complained of shall be admissible; however, such information shall not be subject to discovery, unless otherwise discoverable, until after a verdict for punitive damages has been rendered. After such post verdict hearing the trial court shall independently (without any presumption that the award of punitive damages is correct) reassess the nature, extent and economic impact of such an award of punitive damages, and reduce or increase the award if appropriate in light of all the evidence.

Section 5. (a) On appeal, no presumption of correctness shall apply to the amount of punitive damages awarded.

(b) The appellate court shall independently reassess the nature, extent and economic impact of such an award and reduce or increase the award if appropriate in light of all the evidence.

Section 6. Nothing in this act is intended to limit the ability of a trial or appellate court to set aside or reverse an award of punitive damages, or to order a new trial.

Section 7. Punitive damages may not be awarded against the State of Alabama or any county or municipality thereof, or any agency thereof, except any entity covered under the Medical Liability Act now codified as Section 6-5-480 et seq., Code of Alabama 1975, or any acts amendatory thereto.

Section 8. (a) A principal, employer or other master shall not be liable for punitive damages for intentional wrongful conduct or conduct involving malice based upon acts or omissions of an agent, employee or servant of

said principal, employer or master unless the principal, employer or master either: (i) knew or should have known of the unfitness of the agent, employee or servant, and employed him or continued to employ him, or used his services without proper instruction with a disregard of the rights or safety of others; or (ii) authorized the wrongful conduct; or (iii) ratified the wrongful conduct; or unless the acts of the agent, servant or employee were calculated to or did benefit the principal, employer or other master, except where the plaintiff knowingly participated with the agent, servant or employee to commit fraud or wrongful conduct with full knowledge of the import of his act.

(b) Nothing contained in this Section 8 shall be construed to prevent recovery of punitive damages against a retail vendor of alcoholic beverages arising out of the acts of its agents, servants or employees acting within the line and scope of their employment.

Section 9. Nothing contained in this act shall be construed to grant or create a cause of action or right to recover punitive damages.

Section 10. This act shall not pertain to or affect any civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, as amended.

Section 11. If any section, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself invalid or unconstitutional.

Section 12. This act shall not affect the rights of any person if such rights accrued prior to the effective date of this act.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, H. B. 27, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 27, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Manley, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 27, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 27; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Menton    |     |
| Barron    | Dial          | Hand     | Mitchem   |     |
| Bedford   | Dixon         | Hilliard | Preuitt   |     |
| Bedsole   | Drinkard      | Holmes   | Rice      |     |
| Cabaniss  | Ellis         | Horn     | Sanders   |     |
| Campbell  | Figures       | Langford | Smith (B) |     |
| Covington | Goodwin       | Manley   | Smith (J) | —27 |
| Nays:     |               |          |           | —0  |

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 28. Relating to the admissibility of certain evidence in civil actions for personal injury or property damage; to provide that in all civil actions for personal injury or property damage, evidence relating to reimbursement or payment of plaintiff's damages allegedly incurred as a result of the acts or omissions complained of shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that the plaintiff's obligation to repay the reimbursor shall be admissible; to provide that in all such civil actions evidence of the tax implications to the plaintiff of any damage award shall be admissible; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and, to provide for an effective date of this Act.

said Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE OF CONFERENCE**  
**ON HOUSE BILL 28**

We, the Committee of Conference appointed to reconcile the difference between the two Houses concerning House Bill 28, have met, considered the matter, and agreed to the following:

Substitute for H. B. 28 is attached.

G. J. HIGGINBOTHAM,  
JOE R. CAROTHERS, JR.,  
PERRY O. HOOPER, JR.,  
Conferees of the House.

RICHARD MANLEY,  
JIM PREUITT,  
RYAN deGRAFFENRIED, JR.,  
Conferees of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 28****A BILL  
TO BE ENTITLED  
AN ACT**

Relating to the admissibility of certain evidence in civil actions for personal injury or death; to provide that in all civil actions for personal injury or death, where damages for any medical or hospital expenses are claimed and are legally recoverable, evidence relating to reimbursement or payment of plaintiff's medical or hospital expenses allegedly incurred as a result of the acts or omissions complained of as well as the cost to the plaintiff of obtaining reimbursement or payment of medical or hospital expenses shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall

be discoverable; to provide that the evidence of the plaintiff's obligation to repay the medical or hospital expenses shall be admissible where the plaintiff is obligated to repay the reimburer; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and, to provide for an effective date of this Act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. In all civil actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses have been or will be paid or reimbursed shall be admissible as competent evidence. In such actions upon admission of evidence respecting reimbursement or payment of medical or hospital expenses, the plaintiff shall be entitled to introduce evidence of the cost of obtaining reimbursement or payment of medical or hospital expenses.

Section 2. In such civil actions, information respecting such reimbursement or payment obtained or such reimbursement or payment which may be obtained by the plaintiff for medical or hospital expenses shall be subject to discovery.

Section 3. Upon proof by the plaintiff to the Court that the plaintiff is obligated to repay the medical or hospital expenses which have been or will be paid or reimbursed, evidence relating to such reimbursement or payment shall be admissible.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall not apply to any civil action pending on the effective date of this act.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

And said Bill, H. B. 28, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 28, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE AND CONFERENCE MESSAGE**

On motion of Senator Manley, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 28, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Goodwin  | Menton    |     |
| Bailey    | deGraffenried | Hale     | Mitchem   |     |
| Barron    | Dial          | Hand     | Preuitt   |     |
| Bedford   | Dixon         | Hilliard | Rice      |     |
| Bedsole   | Drinkard      | Holmes   | Sanders   |     |
| Bennett   | Ellis         | Horn     | Smith (B) |     |
| Cabaniss  | Figures       | Manley   | Smith (J) |     |
| Campbell  | Foshee        |          |           | —29 |
| Nays:     |               |          |           | —0  |

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall apply to all such civil actions now pending in the courts of this State or which are governed by the laws of this State; and to provide the manner in which this bill becomes law.

said Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE OF CONFERENCE**  
**ON HOUSE BILL 29**

We, the Committee of Conference appointed to reconcile the difference between the two Houses concerning House Bill 29 have met, considered the matter, and agreed to the following:

Substitute for H. B. 29 is attached.

G. J. HIGGINBOTHAM,  
JOE R. CAROTHERS, JR.,  
PERRY O. HOOPER, JR.,  
Conferees of the House.

RICHARD MANLEY,  
JIM PREUITT,  
RYAN deGRAFFENRIED, JR.,  
Conferees of the Senate.



CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 29

A BILL  
TO BE ENTITLED  
AN ACT

To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and to provide the manner in which this bill becomes law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In all civil actions brought in any court of the State of Alabama, proof by substantial evidence shall be required to submit an issue of fact to the trier of the facts. Proof by substantial evidence shall be required for purposes of testing the sufficiency of the evidence to support an issue of fact in rulings by the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings respecting the sufficiency of evidence.

Section 2. The scintilla rule of evidence is hereby abolished in all civil actions in the courts of the State of Alabama.

Section 3. With respect to any issue of fact for which a higher standard of proof is required, whether by statute, or by rule or decision of the courts of the State, substantial evidence shall not be sufficient to carry the burden of proof, and such higher standard of proof shall be required with respect to such issue of act.

Section 4. SUBSTANTIAL EVIDENCE shall mean such quality and weight that reasonable and fair-minded persons in the exercise of impartial judgment might reach different conclusions as to the existence of the fact sought to be proven. A scintilla of evidence is insufficient to permit submission of an issue of fact to the trier of facts.

Section 5. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 6. This Act shall not apply to any civil action pending in the courts of this State on the effective date of this Act.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

And said Bill, H. B. 29, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 29, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Manley, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 29, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Goodwin | Menton    |     |
| Bailey    | Covington     | Hale    | Mitchem   |     |
| Barron    | deGraffenried | Hand    | Preuitt   |     |
| Bedford   | Dixon         | Holmes  | Rice      |     |
| Bedsole   | Ellis         | Horn    | Sanders   |     |
| Bennett   | Figures       | Manley  | Smith (B) |     |
| Cabaniss  | Foshee        |         |           | —25 |

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 30. To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits or claims filed after its effective date and also to suits or claims filed prior to its effective date and which are not dismissed within 60 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

said Conference Report being in words and figures as follows:

### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 30

We, the Committee of Conference appointed to reconcile the difference between the two Houses concerning House Bill 30 have met, considered the matter, and agreed to the following:

Substitute for H. B. 30 is attached.

G. J. HIGGINBOTHAM,  
JOE R. CAROTHERS, JR.,  
PERRY O. HOOPER, JR.,  
Conferees of the House.

RICHARD MANLEY,  
JIM PREUITT,  
RYAN deGRAFFENRIED, JR.,  
Conferees of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 30**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or unnecessarily expands the proceedings by improper conduct or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits, claims, defenses or appeals filed after its effective date and also to suits, claims, defenses or appeals filed prior to its effective date and which are not dismissed within 180 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

**SECTION 1.** This Act may be cited as the Alabama Litigation Accountability Act.

**Section 2.** The following words and phrases as used in this Act, have the meaning ascribed to them in this section, unless the context clearly requires otherwise:

(1) **WITHOUT SUBSTANTIAL JUSTIFICATION.** The phrase "without substantial justification", when used with reference to any action, claim, defense or appeal, including without limitation any motion, means that such action, claim, defense or appeal (including any motion) is frivolous, groundless in fact or in law, or vexatious, or interposed for any improper purpose, including without limitation, to cause unnecessary delay or needless increase in the cost of litigation, as determined by the Court.

(2) **PERSON.** Any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity or unincorporated association of persons.

(3) **ACTION.** Any suit, counterclaim, crossclaim or third party claim filed at law or in equity, including any claim therein asserted by one or more parties or against one or more parties in a multi-party action or suit, or an appeal thereof.

(4) DEFENSE. Any affirmative defense under Rule 8 (C), Alabama Rules of Civil Procedure, filed in any action at law or in equity.

SECTION 3. (A) Except as otherwise provided in this Act, in any civil action commenced or appealed in any court of record in this state, the court shall award, as part of its judgment and in addition to any other costs otherwise assessed, reasonable attorneys' fees and costs against any attorney or party, or both, who has brought a civil action, or asserted a claim therein, or interposed a defense, that a court determines to be without substantial justification, either in whole or part;

(B) When a court determines reasonable attorneys' fees or costs should be assessed it shall assess the payment thereof against the offending attorneys or parties, or both, and in its discretion may allocate among them, as it determines most just, and may assess the full amount or any portion thereof to any offending attorney or party;

(C) The court shall assess attorneys' fees and costs against any party or attorney if the court, upon the motion of any party or on its own motion, finds that an attorney or party brought an action or any part thereof, or asserted any claim or defense therein, that is without substantial justification, or that the action or any part thereof, or any claim or defense therein, was interposed for delay or harassment, or if it finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct including but not limited to abuses of discovery procedures available under the Alabama rules of civil procedures;

(D) No attorneys' fees or costs shall be assessed if a voluntary dismissal is filed as to any action, claim or defense within 90 days after filing, or during any reasonable extension granted by the court, for good cause shown, on motion filed prior to the expiration of said 90 day period;

(E) No party, except an attorney licensed to practice law in this state, who is appearing without an attorney shall be assessed attorneys' fees unless the court finds that the party clearly knew or reasonably should have known that his action, claim or defense or any part thereof was without substantial justification.

SECTION 4. In determining the amount of an award of costs or attorneys' fees, the court shall exercise its sound discretion. When granting an award of costs and attorneys' fees, the court shall specifically set forth the reasons for such award and shall consider the following factors, among others, in determining whether to assess attorneys' fees and costs and the amount to be assessed: (a) the extent to which any effort was made to determine the validity of any action, claim or defense before it was asserted; (b) the extent of any effort made after the commencement of an action to reduce the number of claims being asserted or to dismiss claims that have been found not to be valid; (c) the availability of facts to assist in determining the validity of an action, claim or defense; (d) the relative financial position of the parties involved; (e) whether or not the action was prosecuted or defended, in whole or in part, in bad faith or for improper purpose; (f) whether or not issues of fact, determinative of the validity of a parties' claim or defense, were reasonably in conflict; (g) the extent to which the party prevailed with respect to the amount of and number of claims or defenses in controversy; (h) the extent to which any action, claim or defense was asserted by an attorney or party in a good faith attempt to establish a new theory of law in the state, which purpose was made known to the court at the time of filing; (i) the amount or conditions of any offer of judgment or

settlement in relation to the amount or conditions of the ultimate relief granted by the court; (j) the extent to which a reasonable effort was made to determine prior to the time of filing of an action or claim that all parties sued or joined were proper parties owing a legally defined duty to any party or parties asserting the claim or action; (k) the extent of any effort made after the commencement of an action to reduce the number of parties in the action; and (l) the period of time available to the attorney for the party asserting any defense before such defense was interposed.

SECTION 5. Nothing in this Act shall be construed to prevent an attorney and his client from negotiating in private the actual fee which the client is to pay his attorney. Nothing in this Act is intended to limit the authority of the court to approve written stipulations filed with the court or oral stipulations in open court agreeing to no award of attorneys' fees or costs or an award of attorneys' fees or costs in a manner different than that provided in this Act.

SECTION 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

SECTION 7. This Act shall apply to any suit or claim or defense or appeal filed subsequent to the effective date of this Act. It shall also apply to any suit or claim or defense or appeal which has been filed prior to the effective date of this Act and which is not dismissed within 180 days of the effective date of this Act.

SECTION 8. The provisions of this Act are cumulative and in addition to the damages which may be awarded for a frivolous appeal pursuant to Rule 38, ARAP.

SECTION 9. Any law or part of law or court decision in conflict with or inconsistent with this Act is hereby repealed insofar as such law or court decision conflicts with or is inconsistent with this Act.

SECTION 10. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And said Bill, H. B. 30, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, H. B. 30, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE AND CONFERENCE MESSAGE

On motion of Senator Manley, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 30, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 24; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Covington     | Figures | Mitchem   |
| Bailey    | deGraffenried | Foshee  | Preuitt   |
| Bedford   | Dial          | Hale    | Rice      |
| Bedsole   | Dixon         | Hand    | Sanders   |
| Bennett   | Drinkard      | Manley  | Smith (B) |
| Cabaniss  | Ellis         | Menton  | Smith (J) |
| Campbell  |               |         |           |

—24

*Nays:*

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 82. Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court must also enter judgment against the obligors in the amount of the alternate value of the property as fixed by the trial court below and the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 82, without the Governor's signature and with a suggested Executive Amendment.

Respectfully submitted,

JOHN GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.

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To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 82, without my approval and with the following suggested Executive Amendment:

On page 1, lines 11 and 12, delete the phrase ~~the alternate value of the property as fixed by the trial court below and~~

On page 2, lines 28 and 29, delete the following language ~~the alternative value of the property as fixed by the trial court below~~

On page 2, line 29, delete the following language:

and

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GUY HUNT,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 82, by a vote of a majority of those voting, said vote being:

Yeas 91; Nays 1.

And said Bill, H. B. 82, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE AND GOVERNOR'S MESSAGE**

On motion of Senator Manley, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 82, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | deGraffenried | Hale   | Mitchem   |
| Bedford   | Dial          | Hand   | Preuitt   |
| Bedsole   | Dixon         | Holmes | Rice      |
| Bennett   | Drinkard      | Horn   | Sanders   |
| Cabaniss  | Figures       | Manley | Smith (B) |
| Campbell  | Foshee        | Menton | Smith (J) |
| Covington | Goodwin       |        |           |

---25

Nays:

—0

which was a majority of the whole number elected to the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 489, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |         |     |
|-----------|---------|----------|---------|-----|
| Senators: | Corbett | Hand     | Menton  |     |
| Amari     | Dial    | Hilliard | Mitchem |     |
| Bailey    | Dixon   | Holmes   | Parsons |     |
| Barron    | Ellis   | Horn     | Preuitt |     |
| Bennett   | Figures | Langford | Rice    |     |
| Cabaniss  | Foshee  | Manley   | Sanders |     |
| Campbell  | Hale    |          |         | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 489. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |         |     |
|-----------|---------|----------|---------|-----|
| Senators: | Corbett | Hand     | Menton  |     |
| Amari     | Dial    | Hilliard | Mitchem |     |
| Bailey    | Dixon   | Holmes   | Parsons |     |
| Barron    | Ellis   | Horn     | Preuitt |     |
| Bennett   | Figures | Langford | Rice    |     |
| Cabaniss  | Foshee  | Manley   | Sanders |     |
| Campbell  | Hale    |          |         | —25 |

*Nays:* —0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 113. SPECIAL ORDER CALENDAR.

**RESOLVED BY THE SENATE** That prusuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the sixteenth legislative day of the 1987 Regular Session only:



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| BILL NO. | DESCRIPTION                                                                                                                                                                | PAGE NO. |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| S. 393   | Bonds, amount insurance companies & banks may purchase under federal Farm Credit Act, Section 5-5A-24 repealed                                                             | 50       |
| S. 73    | Teacher units further provided for, number of students in state funded classrooms in public schools                                                                        | 28       |
| S. 301   | Muns. of 2,000 or less inhabitants, gas tax proceeds auth. to be used for new streets and roads, Sec. 40-17-224 am'd.                                                      | 57       |
| H. 106   | Speaker of the House, admin. assistant, status alt.                                                                                                                        | 46       |
| S. 479   | Longterm leases, invalidation of, alt., Sec. 35-4-6 am'd.                                                                                                                  | 92       |
| H. 141   | Boards of ed., cert. ones auth. to establish self-funded insurance funds                                                                                                   | 69       |
| H. 209   | City and co. bds. of ed., Institute for Deaf and blind and Dept. of Youth Services School exempt from gasoline and lubricating oil tax, Secs. 40-17-31 and 40-17-171 am'd. | 69       |
| S. 296   | Teachers' Retirement System, cert. employees of st. jr. colleges, auth. to purchase prior service credit                                                                   | 57       |
| S. 302   | Notifiable diseases, state board of health duties                                                                                                                          | 53       |
| S. 148   | Counties and muns., auth. to provide tax increment financing for revitalization, consti. amend.                                                                            | 46       |
| S. 12    | Budgets, reserve of 5% of previous year's appropriation req. in gen. fund and special educational trust fund, consti. amend.                                               | 61       |
| S. 149   | Counties and muns., provide for tax increment financing for revitalizations                                                                                                | 47       |
| S. 477   | Alabama Manufactured Housing Commission Recovery Fund, estab., for consumer appeal and compensation                                                                        | 97       |
| S. 478   | Manufactured housing commission, duties, functions, admin., Sec. 24-6-3, 24-6-4 am'd.                                                                                      | 97       |
| S. 111   | State Attorney's Inquiry Commission, established, prohibition on district attorney retirement benefits removed                                                             | 68       |
| S. 401   | Boll Weevil Eradication, assessments for, Secs. 2-19-131 and 2-19-135 am'd.                                                                                                | 71       |

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|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 157 | Health department, state, to set fees for services which state and county health departments may charge and deposited in respective jurisdictions for local health use, indigents continue to be served | 4  |
| S. 56  | Drugs, sales or use in schools or educational facilities prohib., add'l. penalties                                                                                                                      | 98 |
| S. 161 | Persons convicted of DUI req. to complete a ct. referral program approved by Administrative Office of Cts., Sec. 32-5A-191 am'd.                                                                        | 9  |
| S. 289 | Records management and preservation, local gov't. records commission estab., Sec. 41-13-5 thru 41-13-22, 41-13-25 am'd.                                                                                 | 32 |
| S. 1   | Traffic fines incr., distrib. to traffic safety programs, Sec. 32-5-313 am'd.                                                                                                                           | 83 |
| S. 233 | Not-for-profit corporations that are exempt from income taxation, civil immunity for officers and trustees                                                                                              | 77 |
| S. 375 | Motor vehicles, trucks, trailers, and semi-trailers, license period extended to 5 yrs., option of fleet owners, Sec. 40-12-252 am'd.                                                                    | 41 |
| S. 259 | Insurance, continuing education requirements for salespersons, Sec. 27-3-27 am'd.                                                                                                                       | 50 |
| S. 228 | University of Alabama and Auburn University, commemorative automobile tags, disposition of revenue to pay public debt, Sec. 32-6-150 am'd.                                                              | 43 |
| S. 229 | Motor vehicles, licensing and tax, RV's excluded from truck tax fees, effective on passage of distinctive license plates, Sec. 40-12-240 am'd.                                                          | 45 |
| S. 339 | Liquefied Petroleum Gas Bd., powers, duties, authorities and requirements, further req., creation of bond fund, Sec. 9-17-105 am'd.                                                                     | 31 |
| H. 171 | Limitation of liability of physicians serving on hospital committees.                                                                                                                                   | 51 |
| S. 232 | Municipal courts, bail and appeal procedures altered, Sections 12-14-5 and 12-14-70 amended                                                                                                             | 80 |
| H. 163 | Physicians, lic. suspended when med. lic. bd. takes disciplinary action, Sec. 34-24-360 am'd.                                                                                                           | 52 |
| S. 134 | Guardianship and Conservatorship laws revised; Title 26, Chapters 2, 3, 4, 5, 6 and 7 amended and repealed                                                                                              | 5  |
| S. 367 | Arrests w/o warrant, law enforcement officer auth. in cert. cases, Sect. 15-10-3 am'd.                                                                                                                  | 82 |

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|--------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| S. 104 | Title passing by a mortgage, will not divest until all secured obligations are paid, Sec. 35-10-26 am'd.                                        | 2   |
| S. 236 | Littering, crime of, cert. types constitute prima facie evidence of crime, Sec. 13A-7-29 am'd.                                                  | 77  |
| S. 66  | Swine, prevention and eradication of hog cholera, swine diseases, conditional appropriation                                                     | 54  |
| S. 506 | City councils, elected by districts, Sec. 11-43-40 am'd.                                                                                        | 114 |
| S. 499 | Law enforcement officers, survivors to receive badge, officers disabled in line of duty to receive badge                                        | 98  |
| S. 286 | Tort reform, statute of limitations on civil actions arising out of work performed by architects and engineers                                  | 62  |
| S. 285 | Tort reform, statute of limitations on cert. civil actions against materialmen                                                                  | 61  |
| S. 207 | Certificate of qualification for license to practice medicine issued to commissioned officer of medical corps, Section 34-24-75 amended         | 3   |
| S. 413 | Nuts, bulbs, fruits and vegetables, promotion of by assessment, intermediary referendum auth. to modify existing assessment, Sec. 2-8-135 am'd. | 72  |
| S. 102 | Employers' liabilities, pooling permitted so as to secure reinsurance, Sec. 25-5-9 am'd.                                                        | 3   |
| S. 42  | Mortgage recording tax, exempt re-recording for correction of errors, Secs. 40-22-1, 40-22-2 am'd.                                              | 38  |
| S. 126 | Burglary of homes, penalties incr., Secs. 13A-7-5, 13A-7-6 am'd.                                                                                | 9   |
| S. 141 | Mortgages further provided for so as to permit execution of deed in lieu of foreclosure, rights of parties                                      | 6   |
| S. 198 | Superintendent of Education, State, authorized to delay taking school census until 1998, Section 16-4-15 amended                                | 16  |
| S. 467 | State Council on Arts and Humanities, name changed, Sec. 41-9-41 am'd.                                                                          | 86  |
| S. 108 | Aeronautics Department, appropriations                                                                                                          | 38  |
| S. 45  | Hunting licenses for disabled provided, fishing licenses alt., Sec. 9-11-54 am'd.                                                               | 38  |
| S. 46  | State wildlife print and stamp, auth., Conservation and Natural Resources to administer                                                         | 39  |

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|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 369 | Farm trailers, cert. exempt from roadway restrictions, Secs. 32-9-26, 32-9-27, am'd.                                                                                                       | 72 |
| S. 75  | Trafficking in illegal drugs, class A felony, sections 20-2-80 and 20-2-81 amended                                                                                                         | 8  |
| S. 81  | Controlled Substances Act, incorporates in criminal code, creates classes of punishment, sections 20-2-71, 20-2-72, 20-2-73, 20-2-74, amended, sections 20-2-70, 20-2-76, 20-2-77 repealed | 16 |
| S. 453 | Alabama Family Medical Catastrophe Fund and Family Medical Catastrophe Board, estab.                                                                                                       | 87 |
| S. 318 | Fireworks, reg. Secs. 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-226 am'd.                                                                                 | 28 |
| S. 37  | Grain dealers, cash payors exempted from law, bonding requirements, sec. 2-31-4 amended, sec. 2-31-2 repealed                                                                              | 26 |
| S. 38  | Public Warehouses, bonding requirements regulated; penalties altered, Sections 8-15-7 and 8-15-10 am'd.                                                                                    | 5  |
| S. 176 | Child Labor, statute am'd. to conform with fed. law, Sec. 25-8-4, 25-8-8 and 25-8-16 amended                                                                                               | 35 |
| S. 276 | Codes and Ordinances adopted by reference, Sec. 11-45-8 amended                                                                                                                            | 33 |
| S. 357 | Trailers, cotton module-movers exempt from trailer restrictions same as cotton wagons, Sec. 32-9-2 am'd.                                                                                   | 71 |
| S. 158 | Alabama Peace Officers Hall of Fame Board, estab., powers, duties                                                                                                                          | 31 |

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Bedford:

S. 540. To amend Section 11-85-73, Code of Alabama 1975, relating to regional planning commissions and other entities and their authority to enter into contracts with other agencies, so as to designate further additional corporations which are within the purview of this statute; and to provide an effective date for this act.

Committee on Governmental Affairs.

By Senators Bedford and Barron:

S. 541. To amend Section 12-18-87, Code of Alabama 1975, which provides for the benefits for probate judges so as to provide, in addition to

benefits now received, a graduated percentage cost-of-living increase to all spouses of probate judges retired under the Judicial Retirement Fund of Alabama.

Committee on Governmental Affairs.

By Senators Bedford and Barron:

S. 542. To amend §12-18-87, Code of Alabama 1975, to provide for an increase in service retirement and survivor benefits under the judicial retirement fund as it relates to probate judges.

Committee on Governmental Affairs.

By Senators Menton and Barron:

S. 543. To amend Section 24-1A-9, Code of Alabama 1975, relating to the limitation on issuance of bonds by the Alabama Housing Finance Authority.

Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 85. To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 203

The Senate proceeded to further consideration of the Bill, S. B. 203. The question was on the motion of Senator Bedsole to adopt the B. I. R. for the Bill, S. B. 203, which motion was adopted.

Yeas 20; Nays 2.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Covington     | Goodwin | Menton    |
| Bailey    | deGraffenried | Hand    | Preuitt   |
| Barron    | Dial          | Holmes  | Rice      |
| Bedsole   | Drinkard      | Horn    | Smith (B) |
| Bennett   | Ellis         | Manley  | Smith (J) |
| Cabaniss  |               |         |           |

—20

Nays:

Senators: Corbett Hale

—2

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 203. To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of felony theft laws of the State of Alabama wherein timber or lumber are the stolen items.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry, reported the following amendment to the Bill, S. B. 203, to-wit:

**AMENDMENT TO S. B. 203**

In the title, page 1, line 23, after the word "and", add the following additional language:

, after notice has been given to creditors having a secured interest, judgement, lien or other interest in such vehicles and equipment,

Also on line 23, after the word "same", add the words:

may be

Delete Section 4 entirely on lines 27 through 34 on page 2 and on lines 1 through 9 on page 3, and in lieu thereof add the following new Section 4:

Section 4. At least 60 days prior to the institution of condemnation proceedings as herein provided, notice shall be given by the court to any creditor who is known to have a secured interest, a judgment, lien or other interest in any vehicle or equipment seized pursuant to this act. Such creditors may claim their property during said 60-day period. Thereafter, the district attorney or other prosecuting officer of the judicial circuit upon receiving such report shall at once institute, or cause to be instituted, condemnation proceedings in the circuit court, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages.

Which was adopted.

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~~Yeas~~ 20; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Drinkard | Menton    |     |
| Barron    | Covington     | Ellis    | Preuitt   |     |
| Bedsole   | deGraffenried | Hand     | Rice      |     |
| Bennett   | Dial          | Horn     | Smith (B) |     |
| Cabaniss  | Dixon         | Manley   | Smith (J) |     |
| Campbell  |               |          |           | —20 |

*Nays:* —0

Senator Corbett offered the following amendment No. 1 to the Bill, S. B. 203, as amended, to-wit:

**AMENDMENT NO. 1 TO S. B. 203, AS AMENDED**

Amend Senate Bill 203, as amended, Page 2, Line 1, by striking out  
“or intended to be stolen”

Line 2 strike out

“customarily used, or intended for use in such theft”

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hand     | Preuitt   |     |
| Barron    | Dixon         | Holmes   | Rice      |     |
| Bedsole   | Drinkard      | Langford | Smith (B) |     |
| Cabaniss  | Ellis         | Manley   | Smith (J) |     |
| Corbett   | Goodwin       | Menton   |           | —18 |

*Nays:* —0

Senator Parsons offered the following amendment to the Bill, S. B. 203, as amended, to-wit:

**AMENDMENT TO S. B. 203, AS AMENDED**

Amend Senate Bill 203, as amended, by inserting after the AC & F Committee Amendment after the word beverages.” The Legal Title to any vehicle and other equipment seized under this act shall be presumed to be vested with the person, firm, or corporation that last purchased a vehicle tag for said vehicle or equipment.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Drinkard | Holmes   | Preuitt   |     |
| Bedsole       | Ellis    | Langford | Rice      |     |
| Cabaniss      | Goodwin  | Manley   | Smith (B) |     |
| deGraffenried | Hale     | Menton   | Smith (J) |     |
| Dixon         | Hand     | Parsons  |           | —18 |

*Nays:* —0

Senator Corbett then offered the following amendment No. 2 to the Bill, S. B. 203, as amended, to-wit:

### AMENDMENT NO. 2 TO S. B. 203, AS AMENDED

Amend Senate Bill 203, as amended, Page 2, Line 12—Add New Section 3

Within five (5) days after the arrest of any person for violating any of such felony theft laws of the State of Alabama outlined in this act, the person receiving possession of any vehicle and equipment, seized as aforesaid, shall report the seizure and detention of said vehicle and equipment to the district attorney or other prosecuting official; giving a full description of such vehicle and equipment, any identification number, make and model thereof, the name of the person in whose possession it was found when seized, the person, if any, making claim to same or any interest therein if the name can be ascertained or is known, and the date and place of such seizure and a statement of the circumstances surrounding the seizing of the property.

Then renumber subsequent sections.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hale     | Menton    |     |
| Barron    | Dixon         | Hand     | Mitchem   |     |
| Bedsole   | Drinkard      | Holmes   | Preuitt   |     |
| Cabaniss  | Ellis         | Langford | Rice      |     |
| Corbett   | Goodwin       | Manley   | Smith (J) | —19 |

*Nays:* —0

And said Bill, S. B. 203, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Dial    | Hand     | Preuitt   |     |
| Barron    | Dixon   | Holmes   | Rice      |     |
| Bedford   | Ellis   | Langford | Sanders   |     |
| Bedsole   | Figures | Manley   | Smith (B) |     |
| Cabaniss  | Goodwin | Menton   | Smith (J) |     |
| Corbett   | Hale    | Mitchem  |           | —22 |

*Nays:* —0

### MOTION IN WRITING

Senator Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 150, on page 107 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 150, referred to the Standing Committee on Rules for placement on the Consent Calendar.



**BUDGET ISOLATION RESOLUTION**

Senator Smith (B), B. I. R., S. B. 393, adopted.

Yeas 22; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Dixon   | Hand     | Preuitt   |     |
| Bedford   | Ellis   | Hilliard | Rice      |     |
| Bedsole   | Figures | Holmes   | Sanders   |     |
| Cabaniss  | Foshee  | Manley   | Smith (B) |     |
| Campbell  | Goodwin | Menton   | Smith (J) |     |
| Dial      | Hale    | Mitchem  |           | —22 |

*Nays:* —0

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 393. To repeal the provisions of Code of Alabama 1975, Section 5-5A-24.

And said Bill, S. B. 393, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Goodwin  | Menton    |     |
| Bedford   | Dial          | Hale     | Mitchem   |     |
| Bedsole   | Dixon         | Hand     | Rice      |     |
| Bennett   | Drinkard      | Holmes   | Sanders   |     |
| Cabaniss  | Ellis         | Horn     | Smith (B) |     |
| Campbell  | Figures       | Langford | Smith (J) |     |
| Corbett   | Foshee        | Manley   |           | —26 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B. I. R., S. B. 73, adopted.

Yeas 23; Nays 2.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Goodwin  | Parsons   |     |
| Barron    | Dial          | Hale     | Preuitt   |     |
| Bedford   | Dixon         | Hilliard | Rice      |     |
| Bennett   | Drinkard      | Holmes   | Sanders   |     |
| Cabaniss  | Ellis         | Langford | Smith (B) |     |
| Campbell  | Foshee        | Menton   | Smith (J) | —23 |

Nays:

Senators: Hand

Manley

—2

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 73. To provide further for the number of students in state funded academic classrooms in the public schools in Alabama.

was taken up.

Senator Parsons offered the following amendment to the Bill, S. B. 73, to-wit:

#### AMENDMENT TO S. B. 73

Amend Senate Bill 73 on page 3 after line 12 by inserting the following language:

“It is further provided (1) that upon achieving and fully funding each ratio for respective grade levels Kindergarten through eight (K-8) that is provided for in this section, no academic classroom in said grade levels shall consist of more than twenty five (25) students and (2) that upon achieving and fully funding each ratio for respective grade levels nine through twelve (9-12) that is provided for in this section no academic classroom shall consist of more than twenty eight (28) students.”

#### POINT OF PERSONAL PRIVILEGE

Senator Amari requested that the Journal reflect that had he not been detained in a meeting during the first portion of the legislative day, he would have voted to concur in the Conference Reports for H. B.'s 432, 81, 25, 27, 28, 29, and 30, and the Executive Amendment on H. B. 82.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 24. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and amending the said Section 232 so as to delete the present provision in said Section 232 regarding suits against foreign corporations and providing that any foreign corporation, whether or not such foreign corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 25. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a change or transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this act shall not apply to any civil action pending on its effective date; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 26. To amend Code of Alabama 1975, as amended, §6-5-430, relating to the enforcement of claims originating outside this state to include claims under the common law and statutes of the United States; to provide for the application of the doctrine forum non conveniens; and to provide for dismissal of any such action where a more appropriate forum exists outside this state; and to provide for the conditioning of such dismissal on certain consents by the defendant.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 81. Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama 1975; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages other than attorney fees, should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and punitive damages assessed against that defendant, but that, the judgment for all future damages in excess of \$150,000 except attorney fees shall be structured, so long as the court receives adequate assurance that the defendant can and will make all required payments; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that no certificate of judgment shall issue or be recorded with respect to an award of future damages which is structured; to provide that a court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required by this act; to provide that nothing in this act alters or affects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for

judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 27. Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, liability for punitive damages must be proved by clear and convincing evidence; to provide that this act does not create a cause of action for or right to recover punitive damages; to provide for definitions of certain terms used in this act; to provide that the amount of such punitive damages shall not exceed \$250,000.00, unless it is based on a pattern or practice of intentional wrongful conduct or conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice or an action for libel, slander or defamation; to provide that an award of punitive damages shall not be entitled to a presumption of correctness and in all cases wherein a verdict for punitive damages is rendered, the court shall, on the motion of a party, conduct an evidentiary hearing and independently reassess the nature, extent and economic impact of such award and reduce or increase the award if appropriate; to provide that on appeal there shall be no presumption of correctness in regard to an award of punitive damages; to provide that this act does not limit the ability of a trial or appellate court to set aside or reverse an award of punitive damages, or to order a new trial; to provide that punitive damages may not be awarded against the state of Alabama or any county or municipality thereof, or any agency thereof, except any entity covered under the Medical Liability Act now codified as Section 6-5-480 et seq., Code of Alabama 1975, or any acts amendatory thereto; to provide that a principal shall not be liable for punitive damages for intentional wrongful conduct or conduct involving actual malice based on the acts or omissions of an agent unless the principal knew or should have known of the unfitness of the agent and employed him or continued to employ him, or used his services without proper instruction with disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; or unless the acts of the agent, servant or employee were calculated to or did benefit the principal, employer

or other master, except where the plaintiff knowingly participated with the agent, servant or employee to commit wrongful conduct with full knowledge of the import of his act; to provide that argument or mention, in the presence of the jury, of the classifications or limitations established in this act is not permissible and shall be ground for a mistrial; to provide that this act shall not apply to actions for wrongful death pursuant to Section 6-5-391 and Section 6-5-410, Code of Alabama 1975; to provide for certain exceptions; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 30. To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or unnecessarily expands the proceedings by improper conduct or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits, claims, defenses or appeals filed after its effective date and also to suits, claims, defenses or appeals filed prior to its effective date and which are not dismissed within 180 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 28. Relating to the admissibility of certain evidence in civil actions for personal injury or death; to provide that in all civil actions for personal injury or death, where damages for any medical or hospital expenses are claimed and are legally recoverable, evidence relating to reimbursement or payment of plaintiff's medical or hospital expenses allegedly incurred as a result of the acts or omissions complained of as well as the cost to the plaintiff of obtaining reimbursement or payment of medical or hospital expenses shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be discoverable; to provide that the evidence of the plaintiff's obligation to repay the medical or hospital expenses shall be admissible where the plaintiff is obligated to repay the reimbursor; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and, to provide for an effective date of this Act.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 82. Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court must also enter judgment against the obligors in the amount of the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 432. Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the trier of the fact shall itemize damages as past damages, future damages, and punitive damages, and to provide that the trier of the fact shall not reduce any future damages to present value, and to provide that if the trial court determines that one or more of the specified damages is not recoverable in an action that category of damages shall be omitted from the itemization, and to provide that if the award of future damages assessed by the trier of the fact is greater than one hundred fifty thousand dollars (\$150,000.00) the trial court shall enter judgment against the defendants for one hundred fifty thousand dollars (\$150,000.00) of such future damages and enter judgment requiring the defendants to pay the balance of such future damages by periodic payments over a period of years in accordance with the evidence, and to require the judgment to specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made, and to require that the total amount of all such periodic payments shall not exceed the total amount of the future damages contained in the verdict, and to require that the defendants either post security sufficient to assure full payment of such damages or provide evidence the defendants have insurance, or to purchase an annuity of sufficient value to pay the future damages, and to require that future damages shall not be reduced to present value and no interest is to be charged on said damages, and to provide for the payment of plaintiff's attorney fees from a portion of the award of future damages if required, and to provide that if the judgment creditor dies before the termination of the period of years for which such payments are to be made the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to a spouse or children, or both, to whom the judgment creditor owed a duty of support immediately before his death, which duty of support shall be deemed to cease upon the death or remarriage of a spouse or the death or attainment of age twenty-two (22) years by a child, provided, however, that upon the death of a spouse leaving children to whom the judgment creditor owed a duty of support, payments due the spouse shall be paid to the children until they attain the age of twenty-two (22) years, and to provide that if the judgment debtor has exhibited a continuing pattern of failure to make payments as specified in the judgment the court shall find the judgment debtor in contempt of court and in addition to the required periodic payment shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, and to provide that for any installment payment which is more than twenty (20) days late there shall be added interest from the date payment was due at a



rate of twenty percent (20%) per annum compounded daily and attorney's fees if necessary to collect the amount due, and to provide that the court may modify the judgment to award and apportion the unpaid future damages, and to provide that following the occurrence or expiration of all obligations specified in the periodic payment judgment the obligation of the judgment debtor shall cease and any security given shall revert to the judgment debtor, and to provide that in the event periodic payments are ordered the court shall order the judgment marked satisfied when the judgment debtor satisfies the court that he is adequately insured, or posts bond, or purchases an annuity; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages, including punitive damages, shall not exceed the sum of four hundred thousand dollars (\$400,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or death whether in contract or in tort against a health care provider based on a breach of the standard of care where medical or hospital expenses are claimed evidence that the plaintiff's medical or hospital expenses have been paid or will be reimbursed is admissible as competent evidence, and to provide that upon admission of evidence respecting reimbursement of said expenses, the plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such expenses and to provide for pre-trial discovery respecting such benefits; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410, Code of Alabama 1975, the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars (\$1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars (\$1,000,000.00) and to provide for adjustment of the one million dollars (\$1,000,000.00) every twelve (12) months to reflect any increase or decrease in the consumer price index; to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as

other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similarly situated health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similarly situated health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints and amendments to complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 203. To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and, after notice has been given to creditors having a secured interest, judgement, lien or other interest in such vehicles and equipment, the same may be sold or awarded by court order to the State Forester for use or resale in enforcement of felony theft laws of the State of Alabama wherein timber or lumber are the stolen items.

JIM SMITH,  
Chairperson.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

|             |           |
|-------------|-----------|
| S. J. R. 13 | S. B. 41  |
| S. J. R. 44 | S. B. 218 |
| S. J. R. 45 | S. B. 320 |
| S. J. R. 46 |           |

Delivered to the Governor June 9, 1987, at 3:55 P. M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 5:05 P. M., Senator Hand moved that the Senate adjourn until Thursday, June 11, 1987, at 10 o'clock A.M.

Senator Hilliard offered a substitute motion that the Senate adjourn until Thursday at 9 o'clock, which motion was adopted, and, at 5:07 P.M., pending further consideration of the Bill, S. B. 73, the Senate adjourned until Thursday, June 11, 1987, at 9 o'clock A.M.

Yeas 14; Nays 12.

Yeas:

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Corbett   | Hale     | Parsons   |     |
| Amari     | Covington | Hilliard | Sanders   |     |
| Bedsole   | Figures   | Langford | Smith (B) |     |
| Campbell  | Foshee    | Manley   |           | —14 |

Nays:

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Ellis  | Menton    |     |
| Bailey    | Dixon         | Hand   | Rice      |     |
| Bedford   | Drinkard      | Holmes | Smith (J) |     |
| Cabaniss  |               |        |           | —12 |

## **SEVENTEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 11, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Right Reverend Joseph Vath, Bishop of the Catholic Diocese of Birmingham, Birmingham, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Courtenay Bloodworth, Mountain Brook High School, Birmingham, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Foshee   | Manley    |
| Amari     | Corbett       | Goodwin  | Menton    |
| Bailey    | Covington     | Hale     | Parsons   |
| Barron    | deGraffenried | Hand     | Preuitt   |
| Bedford   | Dial          | Hilliard | Rice      |
| Bedsole   | Dixon         | Holmes   | Sanders   |
| Bennett   | Drinkard      | Horn     | Smith (B) |
| Bishop    | Ellis         | Langford | Smith (J) |
| Cabaniss  | Figures       |          |           |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Denton and Mitchem for today.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 544. Relating to banks and banking, which amends Title 5 of the Alabama Code of 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act of 1987"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender, to acquire, own, and control a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks under certain conditions and limitations; provides the terms and conditions under which a credit card bank may be organized, owned, and controlled; provides for application fees to the Superintendent; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions, as the lender and the debtor may agree to from time to time; provides applicable law for regulatory supervision and enforcement authority for credit card banks; provides for applications and filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except when any rights, powers, privileges, or provisions thereof are inconsistent with the rights, powers, privileges, provisions, or limitations of Chapter 14A of Title 5; provides that a credit card bank shall not be considered a bank for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama of 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law and provides an effective date.

Committee on Banking and Insurance.

By Senator Foshee:

S. 545. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

Committee on Business and Labor Relations.

By Senator Foshee:

S. 546. To amend Section 27-27-26 of the Code of Alabama 1975, relating to organization and corporate procedures of certain stock and mutual insurers so as to provide that such section shall not apply to mutual aid

associations organized or authorized under chapter 30 of Title 27 of the Code of Alabama 1975.

Committee on Banking and Insurance.

By Senator Foshee:

S. 547. To provide that service as a county tax assessor may be credited as time in a judicial position with the judicial retirement system.

Committee on Judiciary.

By Senator Corbett:

S. 548. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

Committee on Business and Labor Relations.

By Senator Corbett:

S. 549. Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescribing penalties for violations under this act.

Committee on Judiciary.

By Senator Manley:

S. 550. To amend Section 40-12-4, of the Code of Alabama 1975, to permit local boards of education to use funds for public school purposes, including capital improvement and debt service, which are derived from franchise, excise and privilege license taxes levied and collected by county commissions in addition to any and all other county taxes heretofore or hereafter authorized by law in such county.

Committee on Finance and Taxation.

By Senator Figures:

S. 551. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court cost fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

Committee on Judiciary.

By Senators Figures and Bedsole (With Notice and Proof):

S. 552. Relating to seized assets and funds in controlled substances proceedings in Mobile County; authorizing the sheriff of the county and municipal chiefs of police to distribute such assets or funds for private and nonprofit drug prevention programs.

Committee on Local Legislation No. 3.

REGULAR SESSION  
17th Day

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I hereby certify that the notice and proof is attached to the Bill, S. B. 552, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Campbell and Preuitt:

S. 553. To amend Section 36-7-22, Code of Alabama 1975, to allow the mileage rate for use of privately owned vehicles to be set at the current standard mileage rate for business travel set by the Internal Revenue Code.

Committee on Finance and Taxation.

By Senator Campbell:

S. 554. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Campbell:

S. 555. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Drinkard:

S. 556. To provide that no agreement or communication shall be valid against a bank, may not be relied upon by any other person, and will be inadmissible into evidence to establish any claim against the bank or any officer, director, employee, agent or representative thereof, or to defeat any claim by the bank unless the agreement or communication is in writing, executed on behalf of the bank by a representative having actual authority, and in a record of the bank continuously from the time of its execution; to provide that such agreements also are unenforceable against and inadmissible into evidence to defeat a claim by or establish a claim against the Federal Deposit Insurance Corporation with respect to any asset of a bank acquired by the Federal Deposit Insurance Corporation; to provide for severability provisions of this Act; to provide for repeal of conflicting laws; and to provide for an effective date.

Committee on Banking and Insurance.

By Senator Figures (With Notice and Proof):

S. 557. This bill provides a supplement to the salary of each district judge in the Thirteenth Judicial Circuit.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 557, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bedford and Bennett:

S. 558. To levy a per ton tax on all hazardous waste received by any operator of any commercial hazardous waste disposal site in this state; to distribute the proceeds of said tax to a special undercover drug law enforcement fund; to prescribe guidelines for expenditures from such special fund; to provide for annual audits of such special fund by the examiners of public accounts; to provide for the collection of said tax and for monthly reports by operators of commercial hazardous waste disposal sites; to authorize the state revenue commissioner to assess taxes with penalties when an operator fails to report; to provide definitions; and to provide for penalties for failure to comply with the provisions hereof.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 559. To amend Section 11-81-19, Code of Alabama 1975, relating to the investment of sinking funds for the retirement of municipal and county bonds, so as to authorize further obligations in which sinking funds may be invested.

Committee on Governmental Affairs.

By Senators Dial, Foshee, and Campbell:

S. 560. To amend sections 37-6-2 and 37-6-3, Code of Alabama 1975, relating to electric cooperatives so as to provide that electric cooperatives incorporated under chapter 6 of Title 37 may provide television reception services, including programming to certain consumers; to clarify the power of cooperatives to condemn property devoted to public use; and to provide for indemnification of trustees, directors, officers, employees or agents of a cooperative or serving at the request of the cooperative in such capacity with another entity from liability and expenses of defense in connection with any civil, criminal, administrative or investigative proceeding; to provide that such indemnification shall not be made if a person is adjudged to be liable for negligence or misconduct in certain circumstances; to establish the procedures to be followed in determining that indemnification of such a person is proper in the circumstances and that he has met the required standard of conduct; to provide for advance payment of expenses of defense; to provide that such indemnification rights are not exclusive of any other rights to which a person may be entitled; and to authorize a cooperative to purchase insurance covering liabilities asserted against such persons.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Sanders:

S. 561. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties



to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

Committee on Judiciary.

By Senators Bailey and Rice:

S. 562. To provide that the court may award joint custody to both parents where it is in the best interest of the child. To provide definitions, considerations for the court in making a determination, enumerating factors for consideration, authority for the court to order the parents to submit a plan for consideration by the court, and access to child records by both parents.

Committee on Judiciary.

By Senator Bailey:

S. 563. To provide that under certain circumstances a person who parks, stands, or operates a motor vehicle in a privately owned parking area provided for the use of customers commits the offense of criminal trespass by motor vehicle and to provide criminal penalties.

Committee on Judiciary.

By Senators Bailey and Rice:

S. 564. To provide for referendums to authorize Class 5 municipalities to construct hydroelectric generating facilities.

Committee on Commerce, Transportation,  
and Utilities.

## RESOLUTIONS

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 114. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 269.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 269, a copy of which is attached to this resolution and made a part hereof by reference.

House Bill 269 as amended and substituted by the House of Representatives and as now pending in the Senate contains a title which states: "To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988." House Bill 269 also appropriates funds to among other entities "non-state educational agencies" and certain postsecondary universities.

1. Is House Bill 269 a general appropriation bill as said term is used in Section 45 of the Constitution of 1901 and therefore excepted from the

provisions of Section 45 requiring that "each law shall contain but one subject, which shall be clearly expressed in its title"?

2. If House Bill 269 is not excepted from the purview of Section 45, does House Bill 269 violate the provision of Section 45 which requires that "each law shall contain but one subject, which shall be clearly expressed in its title"?

3. Does House Bill 269 violate Section 71 of the Constitution of 1901 which requires all appropriations, other than appropriations in the general appropriation bill, shall be made by separate bills, each embracing but one subject?

4. Does Section 73 of the Constitution of 1901 require that House Bill 269 receive a vote of 2/3 of all members elected to each house?

5. If House Bill 269 violates Section 45 or Section 71 of the Constitution of 1901, is that portion of the bill in violation of said sections severable from the remainder of the bill?

**RESOLVED FURTHER**, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, H. B. 269, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Senator Parsons, the Resolution was adopted by the Senate.

Senators Amari, Bennett, Bailey, Barron, Bedsole, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

**S. J. R. 115. CONGRATULATING ROGER AND MAUDIE BEDFORD ON THE BIRTH OF THEIR SON, ROGER H. BEDFORD, III.**

**WHEREAS**, it is with great personal pleasure that the Alabama Legislature records the birth of Roger H. Bedford, III, the son and first child of Roger and Maudie Bedford of Russellville, Alabama; and

**WHEREAS**, a handsome baby with black hair and hazel eyes, Roger, III, was born May 20, 1987, at 5:12 p.m., weighing 9 pounds, 11 ounces, and was 22 inches long; and

**WHEREAS**, we further note that young Roger came into the world with hands outstretched and testing his vocal capacity, thereby giving every indication that he plans to follow his father into the political arena; and

**WHEREAS**, his parents of course are our friend and colleague, Senator Roger Bedford, Jr., and his lovely wife, Maudie Darby Bedford; Roger's grandparents are Mr. and Mrs. Roger H. Bedford and Mr. and Mrs. Elton Darby; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That we hereby most heartily congratulate Roger and Maudie Bedford of Russellville, Alabama, on the birth of their son, Roger H. Bedford, III, and do further direct that they receive a copy of this resolution, and that a copy also be provided for Roger, III, that he may later know of the joy and happiness we shared with his parents in his birth.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Goodwin offered the following Senate Resolution, to-wit:

**S. R. 116. COMMENDING WARREN SHANKS MCEACHERN OF PRATTVILLE, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE NATION.**

Which was filed.

Senator Dixon offered the following Senate Resolution, to-wit:

**S. R. 117. CONGRATULATING ROSALIE KULMUS PRATT OF MONTGOMERY, ALABAMA, ON THE OCCASION OF HER 80TH BIRTHDAY.**

Which was filed.

Senators Dixon, Langford, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

**S. J. R. 118. MOURNING THE DEATH OF CHARLES P. BRIGHTWELL OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Charles P. Brightwell of Montgomery, Alabama, on June 3, 1987, at the age of 70 years; and

WHEREAS, Charles Brightwell, a native of Athens, Georgia, and a graduate of the University of Georgia, was general manager of the Coca-Cola Bottling Company in Montgomery, having moved to that city in 1935 to join the company as a helper on a transport truck; through rapid and successive promotions, however, to positions of increasingly higher responsibility, Mr. Brightwell was named manager of the Montgomery plant in 1949; and

WHEREAS, in addition to serving as president of the national Coca-Cola Bottlers Association and as president and secretary-treasurer of the Alabama Soft Drink Association, Mr. Brightwell extended his activities to include extensive involvement in community affairs; and

WHEREAS, Mr. Brightwell served as president of the Montgomery Lions Club, the Montgomery Area Chamber of Commerce and the YMCA, and was a director of the Montgomery Area United Way and Boy Scouts of America; he further was on the board of First Alabama Bank, First Alabama Bancshares, Real Estate Financing, Jenkins Brick Company, the Spastic Children's Association, American Red Cross and the Alabama Shakespeare Festival; and

WHEREAS, the death of Charles P. Brightwell has indeed left a deep void in the community, and in the lives of all citizens thereof who are heirs to the lasting legacy of a truly concerned citizen laboring long and tirelessly on their behalf; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That though we grievously mourn**

his death, we give thanks for the life of Charles P. Brightwell of Montgomery, Alabama, and extend deepest sympathy to his beloved wife, Jeaneane Massey Brightwell; to his children, Charles P. Brightwell, III, and Jeaneane Brightwell Fountain; and to other family members, whose sorrow we share and for whom copies of this resolution shall be provided.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Corbett, B. I. R., H. B. 627, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |         |     |
|-----------|----------|---------|---------|-----|
| Senators: | Cabaniss | Foshee  | Manley  |     |
| Amari     | Corbett  | Goodwin | Menton  |     |
| Bailey    | Dial     | Hale    | Parsons |     |
| Barron    | Dixon    | Hand    | Preuitt |     |
| Bedford   | Drinkard | Holmes  | Rice    |     |
| Bedsole   | Ellis    | Horn    | Sanders |     |
| Bennett   | Figures  |         |         | —25 |

*Nays:* —0

### BILLS ON THIRD READING

#### THE BILL:

H. 627. Relating to Macon County; to amend Sections 9 and 15 of Act No. 83-575, 1983 Regular Session, relating to the Macon County Racing Commission so as to provide for an orderly flow of the distribution of the proceeds of the commission; to provide further for the distribution of the proceeds to Shorter, Alabama and to the Macon County Sheriff's Department; to correct certain arithmetic errors relating to the distribution of the net proceeds of fees, commissions, taxes and other monies received by said Macon County Racing Commission from the operation of said race track; and to correct the titles of certain institutions and departments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Figures  | Manley    |     |
| Bailey    | Covington     | Foshee   | Menton    |     |
| Barron    | deGraffenried | Hand     | Parsons   |     |
| Bedford   | Dial          | Hilliard | Sanders   |     |
| Bennett   | Dixon         | Holmes   | Smith (B) |     |
| Cabaniss  | Drinkard      | Horn     | Smith (J) |     |
| Campbell  | Ellis         |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Corbett, B. I. R., H. B. 626, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Figures  | Manley    |     |
| Bailey    | Campbell      | Foshee   | Menton    |     |
| Barron    | Corbett       | Goodwin  | Parsons   |     |
| Bedford   | Covington     | Hale     | Sanders   |     |
| Bedsole   | deGraffenried | Hand     | Smith (B) |     |
| Bennett   | Dixon         | Langford | Smith (J) |     |
| Bishop    | Ellis         |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 626. Relating to Macon County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Macon County favor a revenue commissioner.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Figures  | Manley    |     |
| Bailey    | Campbell      | Foshee   | Menton    |     |
| Barron    | Corbett       | Goodwin  | Parsons   |     |
| Bedford   | Covington     | Hale     | Sanders   |     |
| Bedsole   | deGraffenried | Hand     | Smith (B) |     |
| Bennett   | Dixon         | Langford | Smith (J) |     |
| Bishop    | Ellis         |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Corbett, B. I. R., H. B. 623, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Ellis   | Manley    |     |
| Bailey    | Corbett       | Figures | Menton    |     |
| Barron    | Covington     | Foshee  | Parsons   |     |
| Bedford   | deGraffenried | Goodwin | Sanders   |     |
| Bedsole   | Dial          | Hale    | Smith (B) |     |
| Bennett   | Dixon         | Hand    | Smith (J) |     |
| Cabaniss  | Drinkard      |         |           | —25 |

*Nays:* —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 623. Relating to Macon County; authorizing the sheriff of Macon County to employ a county jail administrator and providing for a salary.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Ellis   | Manley    |     |
| Bailey    | Corbett       | Figures | Menton    |     |
| Barron    | Covington     | Foshee  | Parsons   |     |
| Bedford   | deGraffenried | Goodwin | Sanders   |     |
| Bedsole   | Dial          | Hale    | Smith (B) |     |
| Bennett   | Dixon         | Hand    | Smith (J) |     |
| Cabaniss  | Drinkard      |         |           | —25 |

*Nays:* —0**BUDGET ISOLATION RESOLUTION**

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Corbett, B. I. R., H. B. 625, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |         |     |
|-----------|----------|---------|---------|-----|
| Senators: | Bishop   | Figures | Manley  |     |
| Amari     | Cabaniss | Foshee  | Menton  |     |
| Bailey    | Corbett  | Hale    | Parsons |     |
| Barron    | Dial     | Hand    | Preuitt |     |
| Bedford   | Dixon    | Holmes  | Rice    |     |
| Bedsole   | Drinkard | Horn    | Sanders |     |
| Bennett   | Ellis    |         |         | —25 |

*Nays:* —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 625. Relating to Macon County; prescribing procedure by which the county commission may set the hours for its regular monthly meetings.

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was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |         |
|-----------|----------|---------|---------|
| Senators: | Bishop   | Figures | Manley  |
| Amari     | Cabaniss | Foshee  | Menton  |
| Bailey    | Corbett  | Hale    | Parsons |
| Barron    | Dial     | Hand    | Preuitt |
| Bedford   | Dixon    | Holmes  | Rice    |
| Bedsole   | Drinkard | Horn    | Sanders |
| Bennett   | Ellis    |         |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Goodwin, B. I. R., H. B. 459, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Covington     | Foshee  | Langford  |
| Bailey    | deGraffenried | Goodwin | Manley    |
| Barron    | Dial          | Hale    | Menton    |
| Bedford   | Dixon         | Hand    | Parsons   |
| Bedsole   | Drinkard      | Holmes  | Smith (B) |
| Bennett   | Ellis         | Horn    | Smith (J) |
| Cabaniss  | Figures       |         |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 459. Relating to Bibb County; providing for an additional fee for motor vehicle tags and providing for the disposition of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Covington     | Foshee  | Langford  |
| Bailey    | deGraffenried | Goodwin | Manley    |
| Barron    | Dial          | Hale    | Menton    |
| Bedford   | Dixon         | Hand    | Parsons   |
| Bedsole   | Drinkard      | Holmes  | Smith (B) |
| Bennett   | Ellis         | Horn    | Smith (J) |
| Cabaniss  | Figures       |         |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Goodwin, B. I. R., H. B. 437, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Figures  | Manley    |     |
| Barron    | Covington     | Foshee   | Menton    |     |
| Bedford   | deGraffenried | Goodwin  | Parsons   |     |
| Bedsole   | Dial          | Holmes   | Sanders   |     |
| Bennett   | Dixon         | Horn     | Smith (B) |     |
| Cabaniss  | Drinkard      | Langford | Smith (J) |     |
| Campbell  | Ellis         |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 437. To apply only in Bibb County providing for service of witness subpoenas by mail.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Figures  | Manley    |     |
| Barron    | Covington     | Foshee   | Menton    |     |
| Bedford   | deGraffenried | Goodwin  | Parsons   |     |
| Bedsole   | Dial          | Holmes   | Sanders   |     |
| Bennett   | Dixon         | Horn     | Smith (B) |     |
| Cabaniss  | Drinkard      | Langford | Smith (J) |     |
| Campbell  | Ellis         |          |           | —25 |

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Manley requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Manley, B. I. R., H. B. 404, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Bishop   | Goodwin  | Manley  |     |
| Amari     | Dial     | Hale     | Menton  |     |
| Bailey    | Dixon    | Hand     | Parsons |     |
| Barron    | Drinkard | Holmes   | Preuitt |     |
| Bedford   | Ellis    | Horn     | Rice    |     |
| Bedsole   | Figures  | Langford | Sanders |     |
| Bennett   | Foshee   |          |         | —25 |

*Nays:*

—0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 404. Relating to Washington County; to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35, Section 20-2-93, and Title 28 of the Code of Alabama 1975.

was taken up.

Senator Manley offered the following amendment to the Bill, H. B. 404, to-wit:

**AMENDMENT TO H. B. 404**

Amend H. 404 by striking Section 2, page 1, lines 26 through 34, and substituting in lieu thereof the following:

"Section 2. Prior to the sale of property as described in Section 1, the sheriff must advertise such sale, the time and place thereof and a description of the property, at least once a week for four successive weeks in a county newspaper of general circulation. The sheriff or one of his officers must conduct entirely any such public sale, and any proceeds thereof shall be deposited in the pistol permit account for the sheriff's department. Such proceeds shall be used as determined by the sheriff. Except as herein otherwise provided, the procedures for the condemnation and forfeiture of such confiscated or abandoned or unclaimed personal property shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture and sale of vehicles used in illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence, the provisions of § 28-4-286 through § 28-4-290 shall apply to govern all such proceedings."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Bishop   | Goodwin  | Manley  |     |
| Amari     | Dial     | Hale     | Menton  |     |
| Bailey    | Dixon    | Hand     | Parsons |     |
| Barron    | Drinkard | Holmes   | Preuitt |     |
| Bedford   | Ellis    | Horn     | Rice    |     |
| Bedsole   | Figures  | Langford | Sanders |     |
| Bennett   | Foshee   |          |         | —25 |

*Nays:* —0

And said Bill, H. B. 404, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Bishop   | Goodwin  | Manley  |     |
| Amari     | Dial     | Hale     | Menton  |     |
| Bailey    | Dixon    | Hand     | Parsons |     |
| Barron    | Drinkard | Holmes   | Preuitt |     |
| Bedford   | Ellis    | Horn     | Rice    |     |
| Bedsole   | Figures  | Langford | Sanders |     |
| Bennett   | Foshee   |          |         | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Manley requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Manley, B. I. R., H. B. 537, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Ellis   | Langford  |     |
| Barron    | Corbett       | Figures | Manley    |     |
| Bedford   | Covington     | Foshee  | Menton    |     |
| Bedsole   | deGraffenried | Goodwin | Parsons   |     |
| Bennett   | Dial          | Hale    | Smith (B) |     |
| Bishop    | Dixon         | Hand    | Smith (J) |     |
| Cabaniss  | Drinkard      |         |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 537. To alter Clarke County Commission Districts Three and Two by transferring Beat 19 from District Three to District Two.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Ellis   | Langford  |     |
| Barron    | Corbett       | Figures | Manley    |     |
| Bedford   | Covington     | Foshee  | Menton    |     |
| Bedsole   | deGraffenried | Goodwin | Parsons   |     |
| Bennett   | Dial          | Hale    | Smith (B) |     |
| Bishop    | Dixon         | Hand    | Smith (J) |     |
| Cabaniss  | Drinkard      |         |           | —25 |

*Nays:*

—0

**RESOLUTIONS**

Senators Sanders, Rice, and Bennett offered the following Senate Joint Resolution, to-wit:

S. J. R. 119. REQUESTING THE DIRECTOR OF THE ALABAMA DEVELOPMENT OFFICE AND THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS (ADO/ADECA) TO DESIGNATE A STAFF PERSON TO INFORM AND ENCOURAGE EMPLOYERS INTERESTED IN PROVIDING CHILD DAY CARE SUPPORT SERVICES AND BENEFITS.

WHEREAS, pursuant to the Report of the Governor's/Legislative Task Force on Child Day Care (April 1987), the presence of a stable, productive work force in Alabama is contingent upon the availability of day care services; and

WHEREAS, at the present time, there is little information or resources available to help businesses address their role in child day care; and

WHEREAS, at least initially, state government through ADO/ADECA should assume the primary responsibility for meeting this need of the business community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the director of the Alabama Development Office and the Alabama Department of Economic and Community Affairs to designate a staff person to assist employers in identifying and providing options for child day care support services and benefits.

RESOLVED FURTHER, That a copy of this resolution be sent to the director of ADO/ADECA, and that ADO/ADECA should develop an employer's information/support plan and a report should be made available to the Task Force by February 1, 1988.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Sanders, Rice, and Bennett offered the following Senate Joint Resolution, to-wit:

S. J. R. 120. REQUESTING THAT THE INSURANCE COMMISSIONER IMMEDIATELY DESIGNATE A STAFF PERSON IN THE ALABAMA INSURANCE DEPARTMENT TO INVESTIGATE AND ASSIST WITH SOLVING THE CHILD DAY CARE INSURANCE CRISIS.

WHEREAS, pursuant to the Report of the Joint Governor's/Legislative Task Force on Child Day Care (April 1987), the liability insurance crisis affects all categories of child care providers; and

WHEREAS, insurance rates have increased dramatically, in some cases as much as 300% for child care providers; and

WHEREAS, in many instances needed coverage is unavailable at any cost; and

WHEREAS, many child day care facilities are closing as a result of this crisis; and

WHEREAS, the availability of quality child day care is of vital concern to working parents and to public and private employers of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly request that the Insurance Commissioner immediately designate a staff person in the Alabama Insurance Department to investigate and conduct a study of the availability and affordability of liability insurance for child day care centers and homes. The findings of this report and recommended corrective action should be reported to the legislature and Governor no later than the 30th legislative day of the 1987 Regular Session.

RESOLVED FURTHER, That a copy of this resolution be sent to the Commissioner of the Department of Insurance.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Holmes requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Holmes, B. I. R., S. B. 497, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Horn      |     |
| Bedford   | Covington     | Goodwin  | Langford  |     |
| Bedsole   | deGraffenried | Hale     | Manley    |     |
| Bennett   | Dixon         | Hand     | Menton    |     |
| Bishop    | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Holmes   | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 497. Relating to Calhoun County; authorizing the county commission and the governing bodies of the municipalities located within the county to establish reasonable criteria for the issuance and renewal of licenses for the sale of alcoholic beverages.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Horn      |     |
| Bedford   | Covington     | Goodwin  | Langford  |     |
| Bedsole   | deGraffenried | Hale     | Manley    |     |
| Bennett   | Dixon         | Hand     | Menton    |     |
| Bishop    | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Holmes   | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Holmes requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Holmes, B. I. R., H. B. 618, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Foshee   | Horn      |     |
| Bedsole   | deGraffenried | Goodwin  | Langford  |     |
| Bennett   | Dial          | Hale     | Manley    |     |
| Bishop    | Dixon         | Hand     | Menton    |     |
| Cabaniss  | Drinkard      | Hilliard | Smith (B) |     |
| Campbell  | Ellis         | Holmes   | Smith (J) |     |
| Corbett   | Figures       |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 618. Relating to Calhoun County; to provide further for the compensation and expense allowance of the members of the Civil Service Board. was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Horn      |
| Bedsole   | deGraffenried | Goodwin  | Langford  |
| Bennett   | Dial          | Hale     | Manley    |
| Bishop    | Dixon         | Hand     | Menton    |
| Cabaniss  | Drinkard      | Hilliard | Smith (B) |
| Campbell  | Ellis         | Holmes   | Smith (J) |
| Corbett   | Figures       |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Holmes requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Holmes, B. I. R., H. B. 620, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Horn      |
| Bedsole   | deGraffenried | Goodwin  | Langford  |
| Bennett   | Dial          | Hale     | Manley    |
| Bishop    | Dixon         | Hand     | Menton    |
| Cabaniss  | Drinkard      | Hilliard | Smith (B) |
| Campbell  | Ellis         | Holmes   | Smith (J) |
| Corbett   | Figures       |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 620. Relating to Calhoun County; providing an additional expense allowance payable from the county treasury for the use of the coroner. was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Foshee   | Horn      |
| Bedsole   | deGraffenried | Goodwin  | Langford  |
| Bennett   | Dial          | Hale     | Manley    |
| Bishop    | Dixon         | Hand     | Menton    |
| Cabaniss  | Drinkard      | Hilliard | Smith (B) |
| Campbell  | Ellis         | Holmes   | Smith (J) |
| Corbett   | Figures       |          |           |

—25

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 65. COMMENDING CONRAD L. NEWMAN OF UNION SPRINGS, ALABAMA, FOR DISTINGUISHED SERVICE TO THE SCHOOLS OF HENRY AND BULLOCK COUNTIES.

Also:

S. J. R. 84. COMMENDING GALLASNEED WEAVER OF WASHINGTON COUNTY, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT.

Also:

S. J. R. 42. MOURNING THE DEATH OF WILLIAM OVERTON WINSTON, III, OF VERNON, ALABAMA.

Also:

S. J. R. 57. COMMENDING ANN BEDSOLE OF MOBILE UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

Also:

S. J. R. 58. COMMENDING ANNETTE SHELBY UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

Also:

S. J. R. 70. COMMENDING J. JEFFERY IRONS OF HUNTSVILLE, ALABAMA.

Also:

S. J. R. 68. HONORING JAMES R. THOMPSON, JR., DIRECTOR OF THE MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 73. COMMENDING DARYL SAGER OF JEFFERSON DAVIS HIGH SCHOOL, MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 59. COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

Also:

S. J. R. 98. COMMENDING ODENE MAY OF WINFIELD, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT AND FOR CONTRIBUTIONS TO PUBLIC EDUCATION.

Also:

S. J. R. 99. DESIGNATING NORTHWEST STATE TECHNICAL COLLEGE AS THE TENNESSEE-TOMBIGBEE "CORRIDOR CENTER FOR PROGRAM COORDINATION AND TRAINING."

Also:

S. J. R. 101. COMMENDING "CITIZEN OF THE YEAR" HOWIE LYONS OF HALEYVILLE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 102. COMMENDING ESTES HUDSON OF WINFIELD, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND HIGH SCHOOL ATHLETICS.

Also:

S. J. R. 103. COMMENDING THE DECATUR HIGH SCHOOL CONCERT CHORUS FOR DISTINGUISHED ACHIEVEMENT.

Also:

S. J. R. 106. COMMENDING LORENZO DAVIS FOR OUTSTANDING ACHIEVEMENT AS A PROFESSIONAL ATHLETE.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 121. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters other than further rules reports for the seventeenth legislative day of the 1987 Regular Session only:

## 1. Committee Reports

## 2. Bills on Third Reading

| BILL NO. | DESCRIPTION                                                                                                                                                                | PAGE NO. |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| S. 301   | Muns. of 2,000 or less inhabitants, gas tax proceeds auth. to be used for new streets and roads, Sec. 40-17-224 am'd.                                                      | 56       |
| H. 106   | Speaker of the House, admin. assistant, status alt.                                                                                                                        | 45       |
| S. 479   | Longterm leases, invalidation of, alt., Sec. 35-4-6 am'd.                                                                                                                  | 91       |
| H. 141   | Boards of ed., cert. ones auth. to establish self-funded insurance funds                                                                                                   | 67       |
| H. 209   | City and co. bds. of ed., Institute for Deaf and blind and Dept. of Youth Services School exempt from gasoline and lubricating oil tax, Secs. 40-17-31 and 40-17-171 am'd. | 68       |
| S. 296   | Teachers' Retirement System, cert. employees of st. jr. colleges, auth. to purchase prior service credit                                                                   | 56       |
| S. 302   | Notifiable diseases, state board of health duties                                                                                                                          | 52       |
| S. 107   | Aeronautics Dept., power of eminent domain around airports auth.                                                                                                           | 40       |
| S. 148   | Counties and muns., auth. to provide tax increment financing for revitalization, consti. amend.                                                                            | 45       |
| S. 12    | Budgets, reserve of 5% of previous year's appropriation req. in gen. fund and special educational trust fund, consti. amend.                                               | 59       |
| S. 149   | Counties and muns., provide for tax increment financing for revitalizations                                                                                                | 46       |
| S. 477   | Alabama Manufactured Housing Commission Recovery Fund, estab., for consumer appeal and compensation                                                                        | 95       |
| S. 478   | Manufactured housing commission, duties, functions, admin., Sec. 24-6-3, 24-6-4 am'd.                                                                                      | 95       |
| S. 111   | State Attorney's Inquiry Commission, established, prohibition on district attorney retirement benefits removed                                                             | 66       |
| H. 194   | County bds. of ed., may provide for single memb. dists., Sec. 16-8-1 am'd.                                                                                                 | 109      |
| S. 75    | Trafficking in illegal drugs, class A felony, sections 20-2-80 and 20-2-81 amended                                                                                         | 8        |



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|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 389 | Inmate temporary release, notice to be given to dist. atty. and through him to victim                                                                                                                   | 93 |
| S. 401 | Boll Weevil Eradication, assessments for, Secs. 2-19-131 and 2-19-135 am'd.                                                                                                                             | 69 |
| S. 157 | Health department, state, to set fees for services which state and county health departments may charge and deposited in respective jurisdictions for local health use, indigents continue to be served | 5  |
| S. 56  | Drugs, sales or use in schools or educational facilities prohib., add'l. penalties                                                                                                                      | 97 |
| S. 161 | Persons convicted of DUI req. to complete a ct. referral program approved by Administrative Office of Cts., Sec. 32-5A-191 am'd.                                                                        | 9  |
| S. 289 | Records management and preservation, local gov't. records commission estab., Sec. 41-13-5 thru 41-13-22, 41-13-25 am'd.                                                                                 | 31 |
| S. 1   | Traffic fines incr., distrib. to traffic safety programs, Sec. 32-5-313 am'd.                                                                                                                           | 82 |
| S. 233 | Not-for-profit corporations that are exempt from income taxation, civil immunity for officers and trustees                                                                                              | 75 |
| S. 375 | Motor vehicles, trucks, trailers, and semi-trailers, license period extended to 5 yrs., option of fleet owners, Sec. 40-12-252 am'd.                                                                    | 40 |
| S. 259 | Insurance, continuing education requirements for salespersons, Sec. 27-3-27 am'd.                                                                                                                       | 49 |
| S. 228 | University of Alabama and Auburn University, commemorative automobile tags, disposition of revenue to pay public debt, Sec. 32-6-150 am'd.                                                              | 42 |
| S. 229 | Motor vehicles, licensing and tax, RV's excluded from truck tax fees, effective on passage of distinctive license plates, Sec. 40-12-240 am'd.                                                          | 44 |
| S. 339 | Liquefied Petroleum Gas Bd., powers, duties, authorities and requirements, further req., creation of bond fund, Sec. 9-17-105 am'd.                                                                     | 30 |
| H. 171 | Limitation of liability of physicians serving on hospital committees.                                                                                                                                   | 50 |
| S. 232 | Municipal courts, bail and appeal procedures altered, Sections 12-14-5 and 12-14-70 amended                                                                                                             | 79 |
| H. 163 | Physicians, lic. suspended when med. lic. bd. takes disciplinary action, Sec. 34-24-360 am'd.                                                                                                           | 51 |
| S. 243 | Guilty by reason of insanity, test, burden of proof, Section 13A-3-1 amended                                                                                                                            | 92 |

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|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 244 | Capital Penalty Cases, direct appeal to Supreme Court, Sec. 12-3-9 and 13A-5-53 amended                                                                                                                            | 92 |
| S. 86  | Capital punishment statute, altered to provide that murder of law enforcement officers or prison guards constitutes a capital offense regardless if defendant knew if victim was on duty, section 13A-5-40 amended | 74 |
| S. 81  | Controlled Substances Act, incorporates in criminal code, creates classes of punishment, sections 20-2-71, 20-2-72, 20-2-73, 20-2-74, amended, sections 20-2-70, 20-2-76, 20-2-77 repealed                         | 16 |
| S. 134 | Guardianship and Conservatorship laws revised; Title 26, Chapters 2, 3, 4, 5, 6 and 7 amended and repealed                                                                                                         | 6  |
| S. 367 | Arrests w/o warrant, law enforcement officer auth. in cert. cases, Sect. 15-10-3 am'd.                                                                                                                             | 81 |
| S. 104 | Title passing by a mortgage, will not divest until all secured obligations are paid, Sec. 35-10-26 am'd.                                                                                                           | 2  |
| S. 236 | Littering, crime of, cert. types constitute prima facie evidence of crime, Sec. 13A-7-29 am'd.                                                                                                                     | 76 |
| S. 66  | Swine, prevention and eradication of hog cholera, swine diseases, conditional appropriation                                                                                                                        | 53 |
| S. 250 | Legislation requiring county to expend new or add'l funds, shall not be implemented until new fiscal yr., consti. amend.                                                                                           | 83 |
| S. 499 | Law enforcement officers, survivors to receive badge, officers disabled in line of duty to receive badge                                                                                                           | 96 |
| S. 286 | Tort reform, statute of limitations on civil actions arising out of work performed by architects and engineers                                                                                                     | 61 |
| S. 285 | Tort reform, statute of limitations on cert. civil actions against materialmen                                                                                                                                     | 60 |
| S. 207 | Certificate of qualification for license to practice medicine issued to commissioned officer of medical corps, Section 34-24-75 amended                                                                            | 3  |
| S. 413 | Nuts, bulbs, fruits and vegetables, promotion of by assessment, intermediary referendum auth. to modify existing assessment, Sec. 2-8-135 am'd.                                                                    | 70 |
| S. 102 | Employers' liabilities, pooling permitted so as to secure reinsurance, Sec. 25-5-9 am'd.                                                                                                                           | 3  |

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|--------|------------------------------------------------------------------------------------------------------------------|----|
| S. 42  | Mortgage recording tax, exempt re-recording for correction of errors, Secs. 40-22-1, 40-22-2 am'd.               | 37 |
| S. 126 | Burglary of homes, penalties incr., Secs. 13A-7-5, 13A-7-6 am'd.                                                 | 9  |
| S. 141 | Mortgages further provided for so as to permit execution of deed in lieu of foreclosure, rights of parties       | 6  |
| S. 198 | Superintendent of Education, State, authorized to delay taking school census until 1998, Section 16-4-15 amended | 16 |
| S. 467 | State Council on Arts and Humanities, name changed, Sec. 41-9-41 am'd.                                           | 84 |
| S. 108 | Aeronautics Department, appropriations                                                                           | 37 |
| S. 45  | Hunting licenses for disabled provided, fishing licenses alt., Sec. 9-11-54 am'd.                                | 37 |
| S. 46  | State wildlife print and stamp, auth., Conservation and Natural Resources to administer                          | 38 |
| S. 369 | Farm trailers, cert. exempt from roadway restrictions, Secs. 32-9-26, 32-9-27, am'd.                             | 70 |
| S. 453 | Alabama Family Medical Catastrophe Fund and Family Medical Catastrophe Board, estab.                             | 85 |
| S. 318 | Fireworks, reg., Secs. 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-226 am'd.      | 28 |
| S. 37  | Grain dealers, cash payors exempted from law, bonding requirements, sec. 2-31-4 amended, sec. 2-31-2 repealed    | 26 |
| S. 38  | Public Warehouses, bonding requirements regulated; penalties altered, Sections 8-15-7 and 8-15-10 am'd.          | 5  |
| S. 176 | Child Labor, statute am'd. to conform with fed. law, Sec. 25-8-4, 25-8-8 and 25-8-16 amended                     | 34 |
| S. 276 | Codes and Ordinances adopted by reference, Sec. 11-45-8 amended                                                  | 32 |
| S. 357 | Trailers, cotton module-movers exempt from trailer restrictions same as cotton wagons, Sec. 32-9-2 am'd.         | 70 |
| S. 158 | Alabama Peace Officers Hall of Fame Board, estab., powers, duties                                                | 30 |
| H. 139 | Subsistence allowance for cert. law enforcement officers, extended, Sec. 36-21-2 am'd.                           | 55 |

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|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| H. 207 | Appropriations, to La., Miss., and Al., rapid rail transit comm. to est. rail passenger service between Birmingham, Montg., and Mobile, general fund.   | 107 |
| S. 212 | Motor Vehicles, first degree assault if DUI are injure person. Sec. 13A-6-20 amended                                                                    | 65  |
| S. 213 | Motor vehicles, reckless operators under influence of controlled substance or alcohol, crimes of murder, section 13A-6-2 amended                        | 66  |
| S. 231 | Pardons and Paroles, not effective for 45 days; access to prisoners' files by atty. general, Sections 15-22-23, 15-22-28, 15-22-36 and 15-22-39 amended | 94  |

Senator Corbett offered the following substitute for the Resoluton, S. R. 121, to-wit:

### SUBSTITUTE FOR S. R. 121

#### S. R. 121. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the seventeenth legislative day of the 1987 Regular Session only:

1. Committee Reports
2. Bills on Third Reading

| BILL NO.        | DESCRIPTION                                                                                                                  | PAGE NO. |
|-----------------|------------------------------------------------------------------------------------------------------------------------------|----------|
| S. 301 Hand     | Muns. of 2,000 or less inhabitants, gas tax proceeds auth. to be used for new streets and roads, Sec. 40-17-224 am'd.        | 56       |
| S. 479 Drinkard | Longterm leases, invalidation of, alt., Sec. 35-4-6 am'd.                                                                    | 91       |
| S. 296 Barron   | Teachers' Retirement System, cert. employees of st. jr. colleges, auth. to purchase prior service credit                     | 56       |
| S. 107 Bishop   | Aeronautics Dept., power of eminent domain around airports auth.                                                             | 40       |
| S. 148 Goodwin  | Counties and muns., auth. to provide tax increment financing for revitalization, consti. amend.                              | 45       |
| S. 12 Cabaniss  | Budgets, reserve of 5% of previous year's appropriation req. in gen. fund and special educational trust fund, consti. amend. | 59       |

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|                      |                                                                                                                                                                                                         |    |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 477 Bedford       | Alabama Manufactured Housing Commission Recovery Fund, estab., for consumer appeal and compensation                                                                                                     | 95 |
| S. 111 Dial          | State Attorney's Inquiry Commission, established, prohibition on district attorney retirement benefits removed                                                                                          | 66 |
| S. 389 Preuitt       | Inmate temporary release, notice to be given to dist. atty. and through him to victim                                                                                                                   | 93 |
| S. 401 Denton        | Boll Weevil Eradication, assessments for, Secs. 2-19-131 and 2-19-135 am'd.                                                                                                                             | 69 |
| S. 157 Dixon         | Health department, state, to set fees for services which state and county health departments may charge and deposited in respective jurisdictions for local health use, indigents continue to be served | 5  |
| S. 56 Holmes         | Drugs, sales or use in schools or educational facilities prohib., add'l. penalties                                                                                                                      | 97 |
| S. 289 Langford      | Records management and preservation, local gov't. records commission estab., Sec. 41-13-5 thru 41-13-22, 41-13-25 am'd.                                                                                 | 31 |
| S. 1 Ellis           | Traffic fines incr., distrib. to traffic safety programs, Sec. 32-5-313 am'd.                                                                                                                           | 82 |
| S. 233 Amari         | Not-for-profit corporations that are exempt from income taxation, civil immunity for officers and trustees                                                                                              | 75 |
| S. 375 Rice          | Motor vehicles, trucks, trailers, and semi-trailers, license period extended to 5 yrs., option of fleet owners, Sec. 40-12-252 am'd.                                                                    | 40 |
| S. 259 Covington     | Insurance, continuing education requirements for salespersons, Sec. 27-3-27 am'd.                                                                                                                       | 49 |
| S. 339 Corbett       | Liquefied Petroleum Gas Bd., powers, duties, authorities and requirements, further req., creation of bond fund, Sec. 9-17-105 am'd.                                                                     | 30 |
| S. 243 Manley        | Guilty by reason of insanity, test, burden of proof, Section 13A-3-1 amended                                                                                                                            | 92 |
| S. 134 deGraffenried | Guardianship and Conservatorship laws revised; Title 26, Chapters 2, 3, 4, 5, 6 and 7 amended and repealed                                                                                              | 6  |

|                |                                                                                                                                                 |    |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 236 Parsons | Littering, crime of, cert. types constitute prima facie evidence of crime, Sec. 13A-7-29 am'd.                                                  | 76 |
| S. 250 Sanders | Legislation requiring county to expend new or add'l funds, shall not be implemented until new fiscal yr., consti. amend.                        | 83 |
| S. 499         | Law enforcement officers, survivors to receive badge, officers disabled in line of duty to receive badge                                        | 96 |
| S. 207 Menton  | Certificate of qualification for license to practice medicine issued to commissioned officer of medical corps, Section 34-24-75 amended         | 3  |
| S. 413 Bailey  | Nuts, bulbs, fruits and vegetables, promotion of by assessment, intermediary referendum auth. to modify existing assessment, Sec. 2-8-135 am'd. | 70 |

On motion of Senator deGraffenried, said substitute was laid on the table.

And on motion of Senator Smith (J), said Resolution, S. R. 121, was then adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., S. B. 368, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Hale     | Manley  |
| Amari     | Dial     | Hand     | Menton  |
| Bailey    | Drinkard | Hilliard | Parsons |
| Barron    | Ellis    | Holmes   | Preuitt |
| Bedsole   | Figures  | Horn     | Rice    |
| Bennett   | Foshee   | Langford | Sanders |
| Cabaniss  | Goodwin  |          |         |
|           |          |          | —25     |
| Nays:     |          |          | —0      |

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 368. To authorize the establishment of branch banks in Clay County. was taken up.

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Senator Dial offered the following amendment to the Bill, S. B. 368, to-wit:

**AMENDMENT TO S. B. 368**

On page 1, line 18, after the word "communities" and before the comma, add the words "in Clay County".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Hale     | Manley  |
| Amari     | Dial     | Hand     | Menton  |
| Bailey    | Drinkard | Hilliard | Parsons |
| Barron    | Ellis    | Holmes   | Preuitt |
| Bedsole   | Figures  | Horn     | Rice    |
| Bennett   | Foshee   | Langford | Sanders |
| Cabaniss  | Goodwin  |          |         |

—25

*Nays:* —0

And said Bill, S. B. 368, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Hale     | Manley  |
| Amari     | Dial     | Hand     | Menton  |
| Bailey    | Drinkard | Hilliard | Parsons |
| Barron    | Ellis    | Holmes   | Preuitt |
| Bedsole   | Figures  | Horn     | Rice    |
| Bennett   | Foshee   | Langford | Sanders |
| Cabaniss  | Goodwin  |          |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., S. B. 474, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Cabaniss      | Figures | Langford  |
| Amari     | Campbell      | Foshee  | Manley    |
| Bailey    | Corbett       | Hale    | Menton    |
| Barron    | Covington     | Hand    | Parsons   |
| Bedford   | deGraffenried | Holmes  | Rice      |
| Bedsole   | Dial          | Horn    | Smith (J) |
| Bennett   | Ellis         |         |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 474. Relating to Clay County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Clay County as a branch, so as to not cause a hardship to its customers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Cabaniss      | Figures | Langford  |     |
| Amari     | Campbell      | Foshee  | Manley    |     |
| Bailey    | Corbett       | Hale    | Menton    |     |
| Barron    | Covington     | Hand    | Parsons   |     |
| Bedford   | deGraffenried | Holmes  | Rice      |     |
| Bedsole   | Dial          | Horn    | Smith (J) |     |
| Bennett   | Ellis         |         |           | —25 |

*Nays:*

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams:

H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.

WHEREAS, the per diem expense allowance for state employees is \$40 for in-state travel, and

WHEREAS, there is a wide discrepancy in the salaries of members of the Legislature as a result of the number of interim committees that an individual member is appointed to serve on and the number of out-of-state trips that each member takes, and

WHEREAS, members of the Legislature are sensitive to the public's perception of the fairness of their salary plan, and

WHEREAS, members of the Legislature are presently compensated \$85 in per diem expense allowances for every day during a legislative session, and

WHEREAS, members of the Legislature are presently compensated \$600 in monthly expense allowances, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid forty dollars (\$40) per diem for each legislative day that the Legislature actually meets during any regular session,



special session, or organizational session. In addition, each member of the Legislature shall be entitled to and shall be paid forty dollars (\$40) for one additional day during each week of any regular session, special session, or organizational session as per diem expenses for committee work. Each member of the Legislature shall be entitled to and shall be paid forty dollars (\$40) per diem for the performance of his or her duties as a member of any interim legislative committee authorized by the Legislature. Such payment is conditioned upon actual attendance at scheduled interim committee meetings. Such per diem expense allowance of forty dollars (\$40) is in lieu of any per diem expense heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of forty dollars (\$40) to be provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid one thousand and nine hundred dollars (\$1900) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term. Such monthly expense allowance of one thousand and nine hundred dollars (\$1900) shall be in lieu of any monthly expense allowance currently provided for members of the Legislature. Provided, however, that said monthly expense allowance of one thousand and nine hundred dollars (\$1900) shall be in addition to the reasonable expense allowance provided to presiding officers as authorized in Act No. 1196 of the 1971 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That this order shall take effect on July 1, 1987.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 287, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Drinkard (With Amendment):

S. 480. To provide that health care service plan corporations organized under Article 6, Chapter 4, Title 10, Code of Alabama 1975, be domestic mutual insurance companies governed by the Insurance Code, Title 27, Code of Alabama 1975; to authorize all other domestic insurers to furnish health care service plans to the public; to amend the Insurance Code, Chapter 27, Title 27, Code of Alabama 1975, by adding Section 27-27-62 thereto; and to provide for the continuation of the existence of such corporations and other transitional provisions.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 454. To reopen the Teachers' and Employees' Retirement Systems of Alabama for nonmembership service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, and to provide that this act shall take effect October 1, 1987, and to provide for its termination on October 1, 1988.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

S. 137. To further amend Sections 40-6-3 and 40-6-4, Code of Alabama 1975, as amended, so as to provide a surviving spouse benefit.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bailey, Bedsole, Dixon, Langford, Smith (J), and Dial:

S. 443. To amend Section 26-16-31, Code of Alabama 1975, which provides for a state income tax refund designation program for the Children's Trust Fund, so as to increase the designations to \$5.00 for an individual tax return and \$10.00 for a joint tax return, effective for the tax year 1987; and to provide that funds remaining in the Children's Trust Fund at the end of each state fiscal year shall not revert to the general fund but shall be carried over into each subsequent state fiscal year.

By Senator Bailey:

S. 500. To make a supplemental appropriation to the Children's Trust Fund for the operation of said trust, from the general fund of the state treasury, for the fiscal year ending September 30, 1987; providing that no balance of such funds, at the end of the fiscal year, shall revert to the general fund of the state treasury but shall continue until the said additional appropriation is depleted.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Ellis and Dial (With Substitute):

S. 391. To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the circuit judgeships in the Eighteenth Judicial Circuit after one judgeship for the

Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional district judgeship to serve Shelby County; to amend Sections 12-11-2 and 12-17-20 and 12-17-61, Code of Alabama 1975, as amended, relating to the composition of judicial circuits and number of circuit and district judges; and, to provide an effective date.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Manley:

S. 382. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities and local industrial development boards, economic development councils and airport authorities, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

By Senator Drinkard:

S. 313. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county governing body of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Holmes, Foshee, Bennett, deGraffenried, Goodwin, Denton, Preuit, Smith (J), Rice, Langford, Hale, Horn, Manley, Bedford, Hand,

Bedsole, Campbell, Hilliard, Amari, Covington, Ellis, Smith (B), Parsons, and Bishop (With Substitute):

S. 219. To provide, for an additional fee, to owners of motor vehicles special license tags or plates which represent the various institutions of higher learning in this state; to provide for the design of said tags or plates; to authorize the revenue department to adopt such rules and regulations as are necessary to implement the provisions hereof and to require the department to furnish lists of said tags to sheriffs of this state; to require the removal of said special school tags upon the sale of a motor vehicle; to prohibit unauthorized use of such tags; to provide for the distribution of the extra fees for such tags; and to provide for a method of distributing the scholarship funds generated by this act to students who are residents of Alabama.

By Senator Manley (With Substitute):

S. 470. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund budget; to establish a procedure for automatic withdrawals from such account in years of proration; to prevent withdrawals from such account in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in trust from year-to-year except during years of proration in the Alabama Special Educational Trust Fund budget and in emergencies; to require automatic reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 524. To specifically exempt all purchases made with food stamps from all state, county and municipal sales and use taxes; to make such exemption contingent upon the continued requirement of federal law that conditions the states' participation in the food stamp program upon exempting purchases made with food stamps; to provide that the provisions of this act shall become inoperative, null and void if the food stamp sales tax amendment is either ruled unconstitutional or unenforceable by a federal court or is repealed by Congress; and to provide that provisions of the act shall become operative on October 1, 1987.

By Senators Bedford, Corbett, and Covington:

S. 341. To create the Police Officer's and Firefighter's Survivor Educational Assistance Act; to provide for tuition assistance and other costs for an undergraduate student in a state college, community college, junior college, technical college or state university who is the dependent child, or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to provide that the Alabama Commission on Higher Education shall administer the provisions of the act; to create the Tuition Eligibility Board and provides for membership; to make an appropriation; and to repeal Sections 36-21-95 through 36-21-99, Code of Alabama 1975, the Policeman's Survivor Tuition Act.

By Senators Langford and Dixon:

S. 167. To provide that full-time employees and executive officers of the Alabama state employees' association, the Alabama retired state employees' association and the state employees' credit union may elect to become members of the teachers' retirement system of Alabama; also to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state.

By Senator Ellis:

S. 22. To provide for a supplemental appropriation of \$582,722.10 to the University of Montevallo for monies deposited in the state treasury from land transactions from approximately the years 1902 through 1925 to the credit of the University.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial, Bedsole, Smith (B), Hand, Barron, Bailey, and Rice (With Substitute) (With Amendments):

S. 323. Relating to public schools; prescribing certain minimum grade requirements for certain public school students to be eligible for participation in certain extracurricular activities and prescribing penalties for enforcement.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedford, Dial, Amari, and Drinkard:

S. 90. To allow certified copies of case action summary or docket sheets or other court records to be admitted into evidence for the purpose of proving that a person has been previously convicted of a crime.

By Senator Covington:

S. 182. To amend §13A-6-3 of the Code of Alabama 1975, to provide that manslaughter is a Class B felony.

By Senator Smith (J):

S. 78. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

By Senator Smith (J):

S. 74. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Amendment):

S. 251. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Fuller, Carter, Harper, Higginbotham, Campbell, Box, McMillan, Adams, Burke, Kvalheim, Junkins, McKee, Layson, McClain, White (L), Williams, Davis, White (G), Freeman, Gaston, Kennedy, Marietta, Zoghby, Wright, and Turnham:

H. 184. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-178, 12-19-179 and 12-14-14, Code of Alabama 1975, to increase the fees and costs in circuit, district, and municipal courts; to further provide for the distribution of fees and costs in circuit, district and municipal courts so as to enhance that portion of the fees and costs that are distributed to the state general fund, to the various county general funds, and to municipalities; to further provide for the costs assessed in municipal courts; to provide for the appropriation from the State General Fund of the increase in said fees and costs that are distributed to the State General Fund; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

By Senators Preuitt, Dixon, Dial, Figures, Barron, and Rice:

S. 509. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide certain qualifications for constables, to provide for abolishing the office by local referendum and to provide for the removal of constables from office in certain instances.

By Senator Drinkard:

S. 465. To amend section 35-11-371 of the Code of Alabama 1975 relating to the perfection of a lien for charges for hospital services so as to provide further for perfecting such lien by extending the time for filing and changing the place of filing.

By Senators Preuitt and Bedsole:

S. 390. To amend Section 14-3-9, Code of Alabama 1975, relating to the reporting of violations of law and arrest powers by and for Department of Corrections personnel, so as to provide certain specified employees of the Department of Corrections with full and unlimited police powers and jurisdiction as any other state police officer.

By Rep. Buskey (JE):

H. 166. To amend Section 36-9-2, Code of Alabama 1975, relating to public officers and employees, so as to provide that a public officer when convicted of a felony shall vacate his office from the time of the conviction.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 294. To provide for and require an annual state "big game (deer and turkey) stamp"; to provide for certain exemptions; to provide for the cost thereof and an issuance fee under certain circumstances; to provide for the sale of said stamp on a combination basis under certain circumstances; to provide for an annual increase in the fees for said stamp; to provide for the form of said stamp; to prohibit production of said stamp by the Alabama Wildlife Federation; to permit production by the Alabama Wildlife Federation of certain items relating to said stamp; and to provide for the deposit of the fees.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Amendment):

S. 65. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Campbell:

S. 476. To authorize the issuance of a summons or notice by livestock theft investigators for misdemeanor violations of livestock sanitary and disease control laws and regulations or any other laws and regulations governing the handling, movement or sale of livestock; to provide for the immediate taking into custody of persons who refuse to sign the summons or notice or to give their name and address; to provide that one who willfully fails to appear at the time and place specified in the summons commits the crime of bail jumping in the second degree.

By Reps. Penny and McMillan:

H. 138. To amend Act 86-434, Section 1, which relates to the authority of the State Department of Education to enter into contracts for periods

not greater than three years for the storage of and distribution of the United States Department of Agriculture commodities, so as to provide for prices under future contracts to be adjusted in the second and third year.

By Senator Smith (B):

S. 530. Relating to state aid to agricultural fairs; to amend Section 2-7-20, Code of Alabama 1975, which defines terms used in this article by removing the definition of county, regional and state fairs and allowing the board to determine categories of fairs; to amend Section 2-7-23, Code of Alabama 1975, which limits expense expenditures by deleting county and regional fairs; to amend Section 2-7-28, Code of Alabama 1975, setting up special merit awards by allowing these awards to be paid for each category of fairs; to amend Section 2-7-29, Code of Alabama 1975, providing for limitations of the amount which fairs will receive so as to remove said limitations; to amend Section 2-7-31, Code of Alabama 1975, setting up the Special Awards Committee by deleting the limitation on the amount of per diem the members can receive.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendments):

S. 360. Requiring the statewide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a state barber board for such purpose; prescribing the powers and duties of said board; abolishing all local county barber boards or commissions; providing penalties for violations; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; and specifically repealing sections 34-5-1 through 34-5-16 of the Code of Alabama 1975.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Marks (With Notice and Proof):

H. 40. Relating to Morgan County; authorizing the county to pay all its employees whose compensation is provided for by local act bi-weekly instead of semi-monthly and to repeal all provisions of all local acts which conflict with this act.

By Rep. Parker (With Notice and Proof):

H. 180. To authorize a procedure whereby the Sheriff of Morgan County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Morgan County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two (2) weeks in a newspaper of



general circulation published in Morgan County, Alabama, or by posting in a conspicuous place at the Morgan County Courthouse; to provide that the first publication or posting of said notice shall be twenty (20) days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Morgan County, Alabama, may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid to the Sheriff's Department of Morgan County, Alabama.

By Rep. Parker (With Notice and Proof):

H. 181. Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County; and repealing conflicting laws or parts of laws.

By Rep. Parker (With Notice and Proof):

H. 182. Relating to Morgan County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

By Rep. Parker (With Notice and Proof):

H. 183. Relating to Morgan County; relating to the process of service and its methods by the courts and collection of fees, as provided by law, by the sheriff or his deputy.

By Rep. Marks (With Notice and Proof):

H. 405. Relating to Morgan County; to levy an additional filing fee in all cases filed in the probate, district or circuit courts of the county to be deposited in the Morgan County Law Library Fund.

By Rep. Marks (With Notice and Proof):

H. 480. Relating to Morgan County, to amend Act No. 80-597, H. 1141 of the 1980 Regular Session (Acts of 1980, p. 1011), as amended, relating to the distribution of certain gasoline taxes, so as to remove the expiration date.

By Rep. Coburn (With Notice and Proof):

H. 488. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

By Reps. Coburn and Goodwin (With Notice and Proof):

H. 489. Relating to Colbert County: Abolishing the office of constable.

By Rep. Beasley (With Notice and Proof):

H. 632. Relating to Henry County; providing for the composition of the Henry County Commission; providing that the Judge of Probate shall

serve as a non-voting chairperson for the county commission; providing for election of county commissioners from single-member districts and defining the single-member commission districts; prescribing the manner of election and terms of the members of the county commission; providing that members of the county commission shall reside within the boundaries of their respective commission districts; providing for filling vacancies on the county commission and providing that this act shall have retroactive effect to the election of the members of the Henry County Commission in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

By Rep. Beasley (With Notice and Proof):

H. 634. Relating to Henry County; providing certain additional compensation for the poll workers to be paid from the county general fund retroactive to October 1, 1986.

By Rep. Beasley (With Notice and Proof):

H. 633. Relating to Henry County; providing for the composition of the board of education; providing for the election of the members of said board from single-member districts and defining such districts; prescribing the manner of election and terms of such members; providing that the chairperson shall be elected from the membership of such board; providing for filling vacancies on such board and providing that this act shall have retroactive effect to the election of the members of the Henry County Board of Education in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 459. Relating to Jefferson County; to create a public corporation for the purposes of flood control in circumstances affecting urban areas in Jefferson County, to be known as the Jefferson County Flood Control Authority, with its principal office to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment and compensation of directors, their duties, powers, and authority; to authorize the State of Alabama, and counties and municipalities therein, to contract with and to appropriate funds to such Authority and to issue general obligation or revenue bonds or warrants to finance projects; to provide that the debts and obligations of the Authority shall not be the debts or obligations of the State of Alabama, or any county or municipality therein; and to exempt the Authority and its property from state, county, and municipal taxation.

By Reps. Curry, Davis, McClain, Seibels, White (G), Beers, McDowell, Biddle, Escott, Wright, Perdue, Rogers, and Payne (With Notice and Proof):

H. 348. To amend Article VI, of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, to provide a delayed retirement benefit for employees of the Jefferson County Board of Health

who have ten years of service. To provide for actuarial reports of the costs of such benefit, to provide an effective date, to provide for the payment of the cost of said benefit, and to provide for related matters.

By Senator Amari (With Notice and Proof):

S. 412. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of A. Joyce Seale to purchase creditable time in the retirement and relief fund for time served in the civil defense corps and to allow such purchase if, in the judgment of the board of managers, such purchase is reasonable, and to provide for the conditions and limitations applying to such purchase, and to set an effective date.

By Senator Hilliard (With Notice and Proof):

S. 496. Relating to the City of Birmingham in Jefferson County; to further amend Act No. 1272, 1973 Regular Session, which provides a retirement and relief system for officers and employees of each city of the State of Alabama having a population of 250,000 or more inhabitants according to the last or any succeeding federal census, so as to provide a retirement benefit for officers or employees of such cities who have attained the age of seventy (70) years or more, who have ten (10) or more but fewer than fifteen (15) years of credited service.

By Reps. Perdue, White (G), and Newton (With Notice and Proof):

H. 441. To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last or any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits, and to repeal all laws or parts of laws in conflict herewith.

By Reps. Perdue, White (G), and Newton (With Notice and Proof):

H. 442. To amend Section 3.05 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

By Rep. Gray (With Notice and Proof):

H. 9. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

By Senator Hilliard (With Notice and Proof):

S. 450. Relating to Class I municipalities, to provide that the courts of this state shall take judicial notice of all municipal ordinances of such municipalities.

By Senators Parsons and Bennett (With Notice and Proof):

S. 430. To amend further Section 10 of Act No. 497, Regular Session of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, relating to a

pension system for officers and employees of Jefferson County, Alabama, so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

By Senators Cabaniss and Bennett (With Notice and Proof):

S. 428. Relating to Jefferson County; to provide for funding for the Birmingham-Jefferson County Transit Authority by the City of Birmingham, Jefferson County and certain other municipalities in such county; to repeal Act No. 232 of the 1977 Regular Session of the Alabama legislature and all conflicting statutes.

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 73. To provide further for the number of students in state funded academic classrooms in the public schools in Alabama.

and pending amendment offered by Senator Parsons, which said amendment is set out in the Journal of the Senate for the Sixteenth Legislative Day.

On motion of Senator Parsons, said amendment was laid on the table.

Senator Parsons then offered the following amendment No. 2 to the Bill, S. B. 73, to-wit:

### AMENDMENT NO. 2 TO S. B. 73

Amend Senate Bill 73 on page 3 after line 12 by inserting the following language:

"It is further provided that upon achieving and fully funding each ratio for respective grade levels Kindergarten through four (K-4) that is provided for in this section, no academic classroom in said grade levels shall consist of more than twenty five (25) students.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Goodwin  | Manley    |     |
| Amari     | Dial          | Hale     | Menton    |     |
| Bedford   | Drinkard      | Hand     | Parsons   |     |
| Bishop    | Ellis         | Hilliard | Preuitt   |     |
| Cabaniss  | Figures       | Holmes   | Smith (B) |     |
| Corbett   | Foshee        | Langford | Smith (J) | —23 |

Nays:

—0

Senator Hand offered the following amendment to the Bill, S. B. 73, as amended, to-wit:

### AMENDMENT TO S. B. 73, AS AMENDED

Amend Senate Bill 73 on page 3 by adding a new Section 2 as follows and renumbering the succeeding sections appropriately:

"Section 2. It is further provided that the additional teacher units earned under the provisions of Section 1 of this Act shall be allocated by

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each of the respective school systems for the employment of classroom teachers, and all state funds used by city and county school boards to employ classroom teachers as of the effective date of this act must continue to be used to employ classroom teachers."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dixon    | Holmes   | Preuitt   |     |
| Amari         | Drinkard | Langford | Rice      |     |
| Bedsole       | Goodwin  | Manley   | Smith (B) |     |
| Cabaniss      | Hale     | Menton   | Smith (J) |     |
| deGraffenried | Hand     | Parsons  |           | —18 |

Nays: —0

Senator Hand then offered the following amendment No. 2 to the Bill, S. B. 73, as amended, to-wit:

**AMENDMENT NO. 2 TO S. B. 73, AS AMENDED**

Amend Senate Bill 73 in Section 3 on page 3 line 24 by striking the words "four-fifths (4/5)" and inserting in lieu thereof the words:

"three-fifths (3/5)"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Dixon    | Hand     | Menton    |     |
| Amari     | Drinkard | Hilliard | Parsons   |     |
| Bailey    | Foshee   | Holmes   | Rice      |     |
| Bedsole   | Goodwin  | Langford | Smith (B) |     |
| Cabaniss  | Hale     | Manley   | Smith (J) |     |
| Dial      |          |          |           | —20 |

Nays: —0

Senator Parsons offered the following amendment No. 3 to the Bill, S. B. 73, as amended, to-wit:

**AMENDMENT NO. 3 TO S. B. 73, AS AMENDED**

Amend Senate Bill 73, as amended, on page 3 after Parsons amendment No. 2 by inserting the following language:

"per teacher"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dial     | Hale     | Parsons   |     |
| Amari         | Dixon    | Hand     | Preuitt   |     |
| Bailey        | Drinkard | Hilliard | Sanders   |     |
| Bedsole       | Figures  | Holmes   | Smith (B) |     |
| Cabaniss      | Foshee   | Manley   | Smith (J) |     |
| deGraffenried | Goodwin  | Menton   |           | —22 |

Nays: —0

Senator Smith (J) offered the following amendment to the Bill, S. B. 73, as amended, to-wit:

### AMENDMENT TO S. B. 73, AS AMENDED

Amend S. 73 as follows:

On page 3, between line 32 and 33 by inserting new Section 5, and renumbering old Section 5 as Section 6 as follows:

Section 5. All funds necessary to achieve the ratios provided for in this act shall be appropriated from the Alabama Special Educational Trust Fund.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Hand     | Parsons   |     |
| Amari     | deGraffenried | Hilliard | Preuitt   |     |
| Bailey    | Dixon         | Holmes   | Rice      |     |
| Bedsole   | Drinkard      | Langford | Sanders   |     |
| Cabaniss  | Goodwin       | Manley   | Smith (B) |     |
| Corbett   | Hale          | Menton   | Smith (J) | —23 |

*Nays:* —0

And said Bill, S. B. 73, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 1.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Ellis    | Langford  |     |
| Amari     | Corbett       | Figures  | Menton    |     |
| Bailey    | Covington     | Goodwin  | Preuitt   |     |
| Barron    | deGraffenried | Hale     | Rice      |     |
| Bedford   | Dial          | Hand     | Sanders   |     |
| Bedsole   | Dixon         | Hilliard | Smith (J) |     |
| Bennett   | Drinkard      | Holmes   |           | —26 |

*Nay:* Senator Manley —1

### RECESS

At 11:55 A.M., Senator deGraffenried moved that the Senate take a recess until 1:15 this afternoon, which motion was adopted.

Yeas 15; Nays 13.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Hale      |     |
| Bailey    | Covington     | Ellis    | Manley    |     |
| Barron    | deGraffenried | Foshee   | Preuitt   |     |
| Bedsole   | Dial          | Goodwin  | Smith (B) | —15 |

*Nays:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Campbell | Holmes   | Rice      |
| Amari     | Figures  | Langford | Sanders   |
| Bedford   | Hand     | Menton   | Smith (J) |
| Bennett   | Hilliard |          |           |

—13

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 301, adopted.

Yeas 16; Nays 2.

*Yeas:*

|               |          |          |           |
|---------------|----------|----------|-----------|
| Senators:     | Dixon    | Goodwin  | Menton    |
| Bedsole       | Drinkard | Hand     | Preuitt   |
| Cabaniss      | Ellis    | Langford | Rice      |
| deGraffenried | Foshee   | Manley   | Smith (J) |
| Dial          |          |          |           |

—16

*Nays:*

|           |       |         |
|-----------|-------|---------|
| Senators: | Amari | Parsons |
|-----------|-------|---------|

—2

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 301. To amend Section 40-17-224 of the Code of Alabama 1975, relating to use of certain gas tax proceeds for highway purposes, so as to provide further for such use by certain municipalities.

Senator Amari offered the following amendment No. 1 to the Bill, S. B. 301, to-wit:

#### AMENDMENT NO. 1 TO S. B. 301

Amend Senate Bill No. 301, Page 3, Line 1, by striking out 4,000 after the word "than" and inserting 20,000.

On motion of Senator Amari, said amendment was laid on the table.

Senator Parsons offered the following amendment to the Bill, S. B. 301, to-wit:

#### AMENDMENT TO S. B. 301

Amend Senate Bill 301, Page 3, Line 4, by inserting after the word municipality, Nothing in this Act shall authorize any city to use public monies for the purpose or paving or improving private driveways.

On motion of Senator Hand, said amendment was laid on the table.

Senator Amari offered the following amendment No. 2 to the Bill, S. B. 301, to-wit:

### AMENDMENT NO. 2. TO S. B. 301

Amend Senate Bill 301, Page 1, Line 8 & 9, by striking out of not more than 4000 inhabitants after the word municipalities

and

striking out "having not more than 4,000 inhabitants according to results of the most recent federal decennial census, on page 3 line 1 after the word municipality

Which was adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Goodwin  | Manley    |     |
| Amari     | deGraffenried | Hale     | Menton    |     |
| Bedford   | Dial          | Hand     | Preuitt   |     |
| Bedsole   | Dixon         | Hilliard | Rice      |     |
| Bennett   | Drinkard      | Holmes   | Smith (B) |     |
| Cabaniss  | Ellis         | Langford | Smith (J) |     |
| Campbell  | Foshee        |          |           | —25 |

Nays: —0

And said Bill, S. B. 301, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Goodwin  | Parsons   |     |
| Amari     | deGraffenried | Hale     | Preuitt   |     |
| Bedford   | Dial          | Hand     | Rice      |     |
| Bedsole   | Dixon         | Hilliard | Sanders   |     |
| Bennett   | Drinkard      | Holmes   | Smith (B) |     |
| Cabaniss  | Ellis         | Langford | Smith (J) |     |
| Campbell  | Foshee        | Menton   |           | —26 |

Nays: —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 261. Relating to the 12th Judicial Circuit; to increase a certain fee authorized by Section 12-17-224 of the Code of Alabama 1975, which is collected by the special services division of the district attorney's office; to authorize said special services division to collect up to a certain amount to be distributed to the person who receives a worthless check and to provide for the expenditure of the proceeds from said fees.



Also:

S. 262. Relating to the Twelfth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said circuit to be paid from county funds on a share and share alike basis by the counties comprising said circuit; prescribing a certain formula for increases in such salary supplements and prescribing certain procedures and conditions relating to the payment of such supplements.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 112. To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 3. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

Also:

S. 271. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 437. To apply only in Bibb County providing for service of witness subpoenas by mail.

Also:

H. 459. Relating to Bibb County; providing for an additional fee for motor vehicle tags and providing for the disposition of such fees.

Also:

H. 537. To alter Clarke County Commission Districts Three and Two by transferring Beat 19 from District Three to District Two.

Also:

H. 618. Relating to Calhoun County; to provide further for the compensation and expense allowance of the members of the Civil Service Board.

Also:

H. 620. Relating to Calhoun County; providing an additional expense allowance payable from the county treasury for the use of the coroner.

Also:

H. 623. Relating to Macon County; authorizing the sheriff of Macon County to employ a county jail administrator and providing for a salary.

Also:

H. 625. Relating to Macon County; prescribing procedure by which the county commission may set the hours for its regular monthly meetings.

Also:

H. 626. Relating to Macon County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Macon County favor a revenue commissioner.

Also:

H. 627. Relating to Macon County; to amend Sections 9 and 15 of Act No. 83-575, 1983 Regular Session, relating to the Macon County Racing Commission so as to provide for an orderly flow of the distribution of the proceeds of the commission; to provide further for the distribution of the proceeds to Shorter, Alabama and to the Macon County Sheriff's Department; to correct certain arithmetic errors relating to the distribution of the net proceeds of fees, commissions, taxes and other monies received by said Macon County Racing Commission from the operation of said race track; and to correct the titles of certain institutions and departments.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MOTION IN WRITING**

Senator Sanders offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 220, on page 91 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 220, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.**

Senator Corbett offered the following substitute for the Resolution, H. J. R. 287, to-wit:

### **SUBSTITUTE FOR H. J. R. 287**

**H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.**

WHEREAS, the per diem expense allowance for state employees is \$40 for in-state travel, and

WHEREAS, there is a wide discrepancy in the salaries of members of the Legislature as a result of the number of interim committees that an individual member is appointed to serve on and the number of out-of-state trips that each member takes, and

WHEREAS, members of the Legislature are sensitive to the public's perception of the fairness of their salary plan, and

WHEREAS, members of the Legislature are presently compensated \$85 in per diem expense allowances for every day during a legislative session, and

WHEREAS, members of the Legislature are presently compensated \$600 in monthly expense allowances, now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That each member of the Legislature shall be entitled to and shall be paid forty dollars (\$40) per diem only five days a week during each week of the session during any regular session, special session, or organizational session. Each member of the Legislature

shall be entitled to and shall be paid forty dollars (\$40) per diem for the performance of his or her duties as a member of any interim legislative committee authorized by the Legislature. Such payment is conditioned upon actual attendance at scheduled interim committee meetings. Such per diem expense allowance of forty dollars (\$40) is in lieu of any per diem expense heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of forty dollars (\$40) to be provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid one thousand and nine hundred dollars (\$1900) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term. Such monthly expense allowance of one thousand and nine hundred dollars (\$1900) shall be in lieu of any monthly expense allowance currently provided for members of the Legislature. Provided, however, that said monthly expense allowance of one thousand and nine hundred dollars (\$1900) shall be in lieu of the reasonable expense allowance provided to presiding officers unless he is an elected member of the Legislature as authorized in Act No. 1196 of the 1971 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That this order shall take effect on August 1, 1987.

Senator Dixon moved that said substitute be laid on the table, which motion was lost.

Yeas 9; Nays 16.

Yeas:

|           |               |       |           |    |
|-----------|---------------|-------|-----------|----|
| Senators: | deGraffenried | Ellis | Holmes    |    |
| Amari     | Dial          | Hand  | Smith (B) |    |
| Cabaniss  | Dixon         |       |           | —9 |

Nays:

|           |           |          |         |     |
|-----------|-----------|----------|---------|-----|
| Senators: | Corbett   | Goodwin  | Manley  |     |
| Bedford   | Covington | Hale     | Menton  |     |
| Bedsole   | Drinkard  | Hilliard | Preuitt |     |
| Bennett   | Foshee    | Langford | Sanders |     |
| Campbell  |           |          |         | —16 |

And said substitute for the Resolution, H. J. R. 287, was then adopted.

Yeas 17; Nays 10.

Abstaining 1.

Yeas:

|           |               |          |         |     |
|-----------|---------------|----------|---------|-----|
| Senators: | Covington     | Hilliard | Menton  |     |
| Bedsole   | deGraffenried | Horn     | Preuitt |     |
| Bennett   | Drinkard      | Langford | Rice    |     |
| Campbell  | Foshee        | Manley   | Sanders |     |
| Corbett   | Hale          |          |         | —17 |

*Nays:*

|           |       |         |           |     |
|-----------|-------|---------|-----------|-----|
| Senators: | Dial  | Hand    | Smith (B) |     |
| Amari     | Dixon | Holmes  | Smith (J) |     |
| Cabaniss  | Ellis | Parsons |           | —10 |

*Abstaining:* Senator Goodwin —1

Senator Covington offered the following amendment to the Resolution, H. J. R. 287, as amended by the substitute, to-wit:

**AMENDMENT TO H. J. R. 287, AS AMENDED**

Amend H. J. R. 287, as amended, Page 1, Line 28, by striking out forty dollars after the word paid and insert "actual expenses for room and board with receipts required for reimbursement"

On motion of Senator Hilliard, said amendment was laid on the table.

And on motion of Senator Corbett, the Resolution, H. J. R. 287, as amended by the substitute, was concurred in and adopted by the Senate.

Yeas 17; Nays 13.

*Yeas:*

|           |               |          |         |     |
|-----------|---------------|----------|---------|-----|
| Senators: | Covington     | Hilliard | Menton  |     |
| Bailey    | deGraffenried | Horn     | Pruitt  |     |
| Bedsole   | Drinkard      | Langford | Rice    |     |
| Campbell  | Foshee        | Manley   | Sanders |     |
| Corbett   | Hale          |          |         | —17 |

*Nays:*

|           |          |         |           |     |
|-----------|----------|---------|-----------|-----|
| Senators: | Cabaniss | Goodwin | Parsons   |     |
| Amari     | Dial     | Hand    | Smith (B) |     |
| Bedford   | Dixon    | Holmes  | Smith (J) |     |
| Bennett   | Ellis    |         |           | —13 |

Senator Corbett moved that the Senate reconsider the vote by which the Resolution, H. J. R. 287, as amended, was concurred in and adopted, and further moved that his motion to reconsider be laid on the table. The motion to table prevailed.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 73. To provide further for the number of students in state funded academic classrooms in the public schools in Alabama.

Also:

S. 368. To authorize the establishment of branch banks in Clay County.

JIM SMITH,  
Chairperson.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and to provide the manner in which this bill becomes law.

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 29, without the Governor's signature and with a suggested Executive Amendment.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE THIS 11th DAY OF JUNE, 1987.

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 29, without my approval and with the following suggested Executive Amendment:

**EXECUTIVE AMENDMENT TO HOUSE BILL NO. 29:**

On page 2, line 17, delete the word "act" and in lieu thereof substitute the word "fact".

On page 2, following the word "mean" on line 18 and before the word "such" on line 19, insert the words "evidence of".

The adoption of the above suggested amendment will remove my objections to this bill.

Respectfully,  
GUY HUNT,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 29, by a vote of a majority of those voting, said vote being:

Yeas 82, Nays 0.

And said Bill, H. B. 29, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Bedford, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 29, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Goodwin  | Manley    |
| Bailey    | Covington     | Hale     | Menton    |
| Bedford   | deGraffenried | Hand     | Preuitt   |
| Bedsole   | Dial          | Holmes   | Sanders   |
| Bennett   | Drinkard      | Horn     | Smith (B) |
| Cabaniss  | Ellis         | Langford | Smith (J) |
| Campbell  | Foshee        |          |           |

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

### MOTIONS IN WRITING

Senator Preuitt offered the following Motions in Writing, to-wit:

I move that the Bill, H. B. 139, on page 55 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 139, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, H. B. 259, on page 58 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 259, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, H. B. 563, on page 58 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 563, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **FURTHER CONSIDERATION OF H. J. R. 213**

The Senate proceeded to further consideration of the Resolution, H. J. R. 213. The question was on the substitute by Senator Bedsole, which said substitute is set out in the Journal of the Senate for the Fourteenth Legislative Day.

On motion of Senator Bedsole, said substitute was laid on the table.

Senator Bedsole then offered the following substitute No. 2 for the Resolution, H. J. R. 213, to-wit:

### **SUBSTITUTE NO. 2 FOR H. J. R. 213**

**H. J. R. 213. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY WITH RESPECT TO OIL AND GAS DEVELOPMENT ACTIVITIES IN ALABAMA'S COASTAL WATERS.**

Act No. 83-609 approved on July 28, 1983 is as follows:

**"EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.**

**WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs; and**

**WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens; and**

**WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs; and**

**WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U.S. Government acreage; and**

**WHEREAS, forty years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment; and**

**WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the**



expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with, but no more stringent than, existing federal offshore environmental regulations.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Governor, State Oil and Gas Board, Department of Conservation and Natural Resources, Department of Environmental Management and any other state agencies and departments involved in the regulation of offshore oil and gas exploration and production so that they may know of our concern, interest and desire for appropriate regulations in this most important area."

AND WHEREAS, On May 21, 1987 there still exists a question with respect to Alabama's Oil and Gas Development Policy as evidenced at the Alabama Environmental Management Commission's May 20, 1987 Hearing on a discharge permit.

AND WHEREAS, The Alabama Legislature reaffirms its commitment to timely development of the state's energy resources consistent with sound and stable environmental practices.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That ADEM proceed with urgency to resolve this issue in concert with the expressed intent of the Alabama Legislature as evidenced in Act 83-609.

BE IT FURTHER RESOLVED, That it is the legislative intent of the term offshore to mean exclusively that territory lying South of the barrier islands and specifically excluding the lands located in the Mississippi Sound, Mobile Bay, Bon Secour Bay, Wolf Bay, Arnica Bay, Bay La Launch and Perdido Bay.

BE IT FURTHER RESOLVED, That it is the intent of this resolution that it apply to permits currently pending before the Alabama Department of Environmental Management.

Which was adopted.

And on motion of Senator Bedsole, the Resolution, H. J. R. 213, as thus amended by the substitute, was concurred in and adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., H. B. 106.

Senator Corbett moved that consideration of the B. I. R. for H. B. 106 be postponed temporarily.

On motion of Senator Foshee, the motion to postpone was laid on the table.

And said B. I. R., H. B. 106, was then adopted.

Yeas 17; Nays 1.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Foshee  | Menton    |     |
| Bailey    | deGraffenried | Goodwin | Rice      |     |
| Bedford   | Dial          | Hale    | Smith (B) |     |
| Cabaniss  | Dixon         | Hand    | Smith (J) |     |
| Campbell  | Ellis         |         |           | —17 |

|                             |    |
|-----------------------------|----|
| <i>Nay:</i> Senator Corbett | —1 |
|-----------------------------|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 106. To authorize the Speaker of the House of Representatives to upgrade the employment status of his administrative assistant to confidential assistant and provide for his compensation.

was taken up.

Senator Corbett moved that the Bill, H. B. 106, be re-committed to the Standing Committee on State Development and Tourism.

On motion of Senator Foshee, the motion to re-commit was laid on the table.

And said Bill, H. B. 106, was read a third time at length and passed.

Yeas 16; Nays 1.

Abstaining 1.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Hale   | Menton    |     |
| Bedsole   | Drinkard      | Hand   | Parsons   |     |
| Bennett   | Foshee        | Holmes | Rice      |     |
| Campbell  | Goodwin       | Horn   | Smith (J) |     |
| Covington |               |        |           | —16 |

|                             |    |
|-----------------------------|----|
| <i>Nay:</i> Senator Corbett | —1 |
|-----------------------------|----|

|                                  |    |
|----------------------------------|----|
| <i>Abstaining:</i> Senator Amari | —1 |
|----------------------------------|----|

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 29. To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for

standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and to provide the manner in which this bill becomes law.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 42. MOURNING THE DEATH OF WILLIAM OVERTON WINSTON, III, OF VERNON, ALABAMA.

Also:

S. J. R. 57. COMMENDING ANN BEDSOLE OF MOBILE UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

Also:

S. J. R. 58. COMMENDING ANNETTE SHELBY UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

Also:

S. J. R. 59. COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

Also:

S. J. R. 65. COMMENDING CONRAD L. NEWMAN OF UNION SPRINGS, ALABAMA, FOR DISTINGUISHED SERVICE TO THE SCHOOLS OF HENRY AND BULLOCK COUNTIES.

Also:

S. J. R. 68. HONORING JAMES R. THOMPSON, JR., DIRECTOR OF THE MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

Also:

S. J. R. 70. COMMENDING J. JEFFERY IRONS OF HUNTSVILLE, ALABAMA.

Also:

S. J. R. 73. COMMENDING DARYL SAGER OF JEFFERSON DAVIS HIGH SCHOOL, MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 84. COMMENDING GALLASNEED WEAVER OF WASHINGTON COUNTY, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT.

Also:

S. J. R. 99. DESIGNATING NORTHWEST STATE TECHNICAL COLLEGE AS THE TENNESSEE-TOMBIGBEE "CORRIDOR CENTER FOR PROGRAM COORDINATION AND TRAINING."

Also:

S. J. R. 98. COMMENDING ODENE MAY OF WINFIELD, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT AND FOR CONTRIBUTIONS TO PUBLIC EDUCATION.

Also:

S. J. R. 101. COMMENDING "CITIZEN OF THE YEAR" HOWIE LYONS OF HALEYVILLE, ALABAMA.

Also:

S. J. R. 102. COMMENDING ESTES HUDSON OF WINFIELD, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND HIGH SCHOOL ATHLETICS.

Also:

S. J. R. 103. COMMENDING THE DECATUR HIGH SCHOOL CONCERT CHORUS FOR DISTINGUISHED ACHIEVEMENT.

Also:

S. J. R. 106. COMMENDING LORENZO DAVIS FOR OUTSTANDING ACHIEVEMENT AS A PROFESSIONAL ATHLETE.

JIM SMITH,  
Chairperson.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**MOTION TO ADJOURN LOST**

At 3:15 P.M., Senator Corbett moved that the Senate adjourn until Tuesday, June 16, 1987, at 2 o'clock P.M., which motion was lost.

**BUDGET ISOLATION RESOLUTION**

Senator Drinkard, B. I. R., S. B. 479, adopted.

Yeas 14; Nays 4.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Goodwin | Menton    |     |
| Bailey    | deGraffenried | Hand    | Rice      |     |
| Bedsole   | Drinkard      | Holmes  | Smith (J) |     |
| Campbell  | Foshee        | Horn    |           | —14 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Hilliard | Parsons |    |
| Amari     |         |          |         | —4 |

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 479. To amend Section 35-4-6, Code of Alabama 1975, relating to leases with a term for more than 20 years, so as to provide that the invalidation of such leases for failure to record the lease within one year after execution thereof in the office of the judge of probate will not apply to the parties to the lease, their respective heirs, successors or assigns, or to other persons with notice of the lease, and to provide for its retroactive effect.

was taken up.

Senator Corbett offered the following substitute for the Bill, S. B. 479, to-wit:

**SUBSTITUTE FOR S. B. 479**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 35-4-6, Code of Alabama 1975, relating to leases with a term for more than 20 years, so as to provide that the invalidation of such leases for failure to record the lease within one year after execution thereof in the office of the judge of probate will not apply to the parties to the lease, their respective heirs, successors or assigns, or to other persons with notice of the lease, and to provide for its retroactive effect.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 35-4-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 35-4-6.

“No leasehold estate can be created for a longer term than 99 years. Except as set forth in this section, Leases for more than 20 years shall be

void for the excess over said period unless acknowledged or approved as required by law in conveyances of real estate and recorded within one year after execution in the office of the judge of probate in the county in which the property leased is situated. Invalidity of a lease for failure to record as set forth in this section shall not apply to the parties to the lease, their respective heirs, successors or assigns or to other persons with notice of the lease."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Drinkard, further consideration of the Bill, S. B. 479, and pending substitute, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., H. B. 141, adopted.

Yeas 18; Nays 0.

Yeas:

|               |          |          |           |      |
|---------------|----------|----------|-----------|------|
| Senators:     | Dixon    | Hale     | Manley    |      |
| Cabaniss      | Drinkard | Hand     | Preuitt   |      |
| Campbell      | Ellis    | Hilliard | Rice      |      |
| deGraffenried | Foshee   | Holmes   | Smith (J) |      |
| Dial          | Goodwin  | Horn     |           | — 18 |

Nays:

— 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 141. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the boards of education; establishes requirements of reporting; and exempts such entities from payment of certain taxes.

was taken up.

Senator Corbett offered the following substitute for the Bill, H. B. 141, to-wit:

### SUBSTITUTE FOR H. B. 141

#### A BILL TO BE ENTITLED AN ACT

To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the boards of education; establishes requirements of reporting; and exempts such entities from payment of certain taxes.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. For the purposes of this act, the following terms shall be the meanings subscribed to them by this section:

(a) Risk Management Cooperative. An entity or entities, to be formed by local boards of education in any combination of 25 or more for the

purpose of pooling resources and funds to jointly purchase insurance or to self-insure such boards of education, their members and employees, against risks to which they are exposed.

(b) Member Boards of Education. A city board of education, county board of education, Department of Youth Services School District, Alabama Institute for Deaf and Blind, State Board of Education or other public education governing board which elects to pool its resources and funds with one or more other boards of education for the purpose of forming a Risk Management Cooperative.

Section 2. Boards of Education in any combination of 25 or more may establish a Risk Management Cooperative for the purpose of pooling resources and funds to provide risk management alternatives for each member board of education and other named insureds. Member boards of education may appropriate such funds as necessary to the Risk Management Cooperative created hereunder.

Section 3. Each Risk Management Cooperative established under provisions of this Act shall have the power and authority to establish a governing body of trustees; establish bylaws for the governing of such groups; enter into contracts with member boards of education; establish a schedule of benefits payable; establish a schedule of charges to be collected from member boards of education for benefits provided; enter into contracts with solvent insurers to provide excess coverage; enter into management and consultant contracts; hire attorneys and employees; and, exercise such powers and authority incident to the purposes of this act.

Section 4. Each Risk Management Cooperative established under the provisions of this act shall file with the State Insurance Commissioner a copy of its bylaws and schedule of benefits and charges. Each Risk Management Cooperative shall also annually file with the State Insurance Commissioner a certified financial audit.

Section 5. Any insurance and/or excess insurance purchased by each Risk Management Cooperative established under the provisions of this act shall only be procured from sources meeting the requirements of the Department of Insurance of Alabama and/or federal Risk Retention Amendments of 1986. Copies of insurance contracts, if any, purchased by each Risk Management Cooperative will be filed annually with the State Insurance Commissioner.

Section 6. Each Risk Management Cooperative established under the provisions of this act shall specifically be exempt from the payment of any insurance premium tax levied by the Insurance Department on premiums or charges collected.

Section 7. This act is not intended and shall not be construed to subject any board of education to liability for tort claims where liability therefor does not already exist by law.

Section 8. All laws or parts of laws which conflict with this act are hereby expressly repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

Senator Smith (J) offered the following amendment to the Bill, H. B. 141, to-wit:

#### AMENDMENT TO H. B. 141

Amend House Bill No. 141, Page 3, Line 13, by inserting after the word "act", the following:

"Provided, however, that this section shall not prohibit an action for fraud brought directly against said Risk Management Cooperative or its agents."

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | deGraffenried | Goodwin | Menton    |     |
| Bailey    | Dial          | Hale    | Parsons   |     |
| Bedsole   | Dixon         | Hand    | Preuitt   |     |
| Cabaniss  | Drinkard      | Holmes  | Rice      |     |
| Campbell  | Foshee        | Manley  | Smith (J) |     |
| Corbett   |               |         |           | —20 |

*Nays:* —0

And said Bill, H. B. 141, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Drinkard | Manley    |     |
| Bailey    | Corbett       | Goodwin  | Menton    |     |
| Bedford   | deGraffenried | Hale     | Parsons   |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Cabaniss  | Dixon         | Holmes   | Smith (J) | —19 |

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 106. To authorize the Speaker of the House of Representatives to upgrade the employment status of his administrative assistant to confidential assistant and provide for his compensation.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds



vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

By Rep. Adams:

H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**BUDGET ISOLATION RESOLUTION**

Senator Manley, B. I. R., H. B. 209, adopted.

Yeas 18; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Cabaniss      | Ellis   | Menton    |     |
| Amari     | Campbell      | Goodwin | Preuitt   |     |
| Bailey    | deGraffenried | Hale    | Rice      |     |
| Bedsole   | Dixon         | Hand    | Smith (J) |     |
| Bennett   | Drinkard      | Manley  |           | —18 |

*Nays:* —0

**RESOLUTIONS**

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 122. COMMENDING JAMES WILSON OF MILLPORT, ALABAMA, FOR DISTINGUISHED SERVICE TO THE LAMAR COUNTY BOARD OF EDUCATION.

Also:

S. R. 123. COMMENDING AND CONGRATULATING JAMES H. EVANS OF GUIN, ALABAMA, UPON RE-ELECTION TO THE BOARD OF DIRECTORS OF THE ALABAMA RURAL ELECTRIC ASSOCIATION OF COOPERATIVES.

Also:

S. R. 124. COMMENDING MARIE D. WEEKS OF MARION COUNTY'S BRILLIANT HIGH SCHOOL FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Which were filed.

**MOTION IN WRITING**

Senator Bedford offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 478, on page 95 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 478, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**MOTION TO ADJOURN LOST**

At 4:20 P.M., Senator Manley moved that the Senate adjourn until Tuesday, June 16, 1987, at 11 o'clock A.M.

Senator Amari offered a substitute motion that the Senate adjourn until Tuesday, June 16, 1987, at 12 o'clock Noon, which motion was lost.

Yeas 10; Nays 13.

*Yeas:*

|           |          |           |         |     |
|-----------|----------|-----------|---------|-----|
| Senators: | Bennett  | Covington | Parsons |     |
| Amari     | Campbell | Hale      | Rice    |     |
| Bedford   | Corbett  | Menton    |         | —10 |

*Nays:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | deGraffenried | Foshee  | Manley    |     |
| Bailey    | Dixon         | Goodwin | Preuitt   |     |
| Bedsale   | Drinkard      | Hand    | Smith (J) |     |
| Cabaniss  | Ellis         |         |           | —13 |

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 301. To amend Section 40-17-224 of the Code of Alabama 1975, relating to use of certain gas tax proceeds for highway purposes, so as to provide further for such use by certain municipalities.

JIM SMITH,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 271. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining

to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

Also:

S. 112. To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

Also:

S. 3. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

Also:

S. 261. Relating to the 12th Judicial Circuit; to increase a certain fee authorized by Section 12-17-224 of the Code of Alabama 1975, which is collected by the special services division of the district attorney's office; to authorize said special services division to collect up to a certain amount to be distributed to the person who receives a worthless check and to provide for the expenditure of the proceeds from said fees.

Also:

S. 262. Relating to the Twelfth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said circuit to be paid from county funds on a share and share alike basis by the counties comprising said circuit; prescribing a certain formula for increases in such salary supplements and prescribing certain procedures and conditions relating to the payment of such supplements.

JIM SMITH,  
Chairperson.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

|             |             |              |
|-------------|-------------|--------------|
| S. J. R. 42 | S. J. R. 68 | S. J. R. 99  |
| S. J. R. 57 | S. J. R. 70 | S. J. R. 101 |
| S. J. R. 58 | S. J. R. 73 | S. J. R. 102 |
| S. J. R. 59 | S. J. R. 84 | S. J. R. 103 |
| S. J. R. 65 | S. J. R. 98 | S. J. R. 106 |

Delivered to the Governor June 11, 1987, at 3:25 P.M.

|           |           |           |
|-----------|-----------|-----------|
| S. B. 271 | S. B. 3   | S. B. 262 |
| S. B. 112 | S. B. 261 |           |

Delivered to the Governor June 11, 1987, at 4:40 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 4:20 P.M., Senator Manley moved that the Senate adjourn until Tuesday, June 16, 1987, at 11 o'clock A.M.

Senator Parsons offered a substitute motion that the Senate adjourn until Tuesday at 11:30 A.M., which motion was adopted, and at 4:22 P.M., pending further consideration of the Bill, H. B. 209, the Senate adjourned until Tuesday, June 16, 1987, at 11:30 A.M.

## **EIGHTEENTH LEGISLATIVE DAY**

**TUESDAY, JUNE 16, 1987**

The Senate met pursuant to adjournment, President Pro Tempore deGraffenried presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Billy Walker, Associate Pastor, The Church of Montgomery, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Miss Sarah Martin, Montgomery Academy, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Mitchem   |
| Barron    | deGraffenried | Hale     | Parsons   |
| Bedford   | Denton        | Hand     | Preuitt   |
| Bedsole   | Dial          | Hilliard | Rice      |
| Bennett   | Dixon         | Holmes   | Sanders   |
| Bishop    | Drinkard      | Horn     | Smith (B) |
| Cabaniss  | Ellis         | Langford | Smith (J) |

—35

### **JOURNAL**

On motion of Senator Bedsole, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. W. C. Davis of Fayette, Alabama, to the State Textbook Committee, replacing Mrs. Cathy Bright, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 2nd day of June, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Reverend Josiah Bancroft of Mobile, Alabama, to the State Textbook Committee, replacing Mrs. Beulah Tucker, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 2nd day of June, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. William R. Trammell of Anniston, Alabama, to the State Textbook Committee, replacing Mrs. Birdie Peterson, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 2nd day of June, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Dear Members of the Senate:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 10th day of June, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Dear Members of the Senate:

I have appointed, subject to your confirmation, Mr. W. Keith Alsup of Nauvoo, Alabama, to the State Textbook Committee, replacing Mrs. Caroline Powell, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 10th day of June, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.



To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Susan Bagley of Helena, Alabama, to the State Textbook Committee, replacing Mrs. Mary Buckalew, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 2nd day of June, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Jo Jenkins Echols of Homewood, Alabama, to the State Textbook Committee, replacing Mrs. Dorothy Hodges, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 2nd day of June, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Jackie Cleveland of Pelham, Alabama, to the State Textbook Committee, replacing Mr. Ed Cardine, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 2nd day of June, 1987.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Textbook Committee.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE this 2nd day of June, 1987.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Millie Shields of Huntsville, Alabama, to the State Textbook Committee, replacing Mrs. Barbara Lapidus, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,  
Governor.

DONE this 2nd day of June, 1987.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Buskey (JE), Gaston, Marietta, and Zoghby:

H. J. R. 292. COMMENDING WILLIE F. TAYLOR ON HIS DISTINGUISHED CAREER.

Also:

By Rep. Bryant:

H. J. R. 294. COMMENDING AMANDA McKINNEY OF GREENSBORO, ALABAMA, FOR DISTINGUISHED ACADEMIC ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 292 and 294, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 290. HONORING DR. HARRY E. FRANK, ON HIS DISTINGUISHED TENURE WITH AUBURN UNIVERSITY, AUBURN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 290, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 283. COMMENDING THE RUSSELL CORPORATION'S ALEXANDER CITY NUMBER FOUR YARN PLANT.

Also:

By Rep. Blake:

H. J. R. 285. COMMENDING THE PELL CITY RED SOX ON THEIR OUTSTANDING 1987 BASEBALL SEASON.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 283 and 285, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 276. CONGRATULATING COACH RONNIE BAYNES AND THE TALLASSEE HIGH SCHOOL TIGERS ON THEIR 1987 STATE CLASS 4A BASEBALL CHAMPIONSHIP.

Also:

By Rep. Marietta:

H. J. R. 278. HONORING JAMICE MAZZARELLA AS "LEGAL SECRETARY OF THE YEAR 1987."

Also:

By Rep. White (L):

H. J. R. 279. COMMENDING THE RUSSELL CORPORATION'S  
ALEXANDER CITY YARN DYE PLANT.

Also:

By Rep. White (L):

H. J. R. 282. COMMENDING THE RUSSELL CORPORATION OF  
ALEXANDER CITY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 276, 278, 279, and 282, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (RG):

H. J. R. 270. COMMENDING THE RUSSELL CORPORATION'S  
SYLACAUGA SEWING PLANT.

Also:

By Reps. Hooper and Walker:

H. J. R. 272. COMMENDING COACH BUBBA LEWIS AND MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1987 STATE CLASS 6A BASEBALL CHAMPIONSHIP.

Also:

By Reps. Zoghby, Kennedy, Turner, Marietta, Kvalheim, Gaston, Clark (W), Box, Buskey (JE), and Harper:

H. J. R. 273. COMMENDING MOBILE'S MURPHY HIGH SCHOOL ON ITS SELECTION AS A PRESIDENT'S MODEL SCHOOL.

Also:

By Rep. Venable:

H. J. R. 275. COMMENDING THE RUSSELL CORPORATION'S  
COOSA YARN PLANT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 270, 272, 273, and 275, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The house has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 251. MOURNING THE DEATH OF WAYNE ROBINSON OF ETOWAH COUNTY, ALABAMA.

Also:

By Reps. McKee, Mikell, Walker, Holmes, Hooper, and Buskey (JL):

H. J. R. 261. COMMENDING COACH DAROLD DUNLAVY AND THE AUBURN UNIVERSITY AT MONTGOMERY SENATORS ON THEIR NAIA NATIONAL MEN'S TENNIS CHAMPIONSHIP.

Also:

By Rep. Laird:

H. J. R. 263. COMMENDING THE RUSSELL CORPORATION'S ASHLAND SEWING PLANT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 251, 261, and 263, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper:

H. J. R. 265. AMENDING SENATE JOINT RESOLUTION 18 OF THE ORGANIZATIONAL SESSION 1987 (ACT 87-19) THAT CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS TO ALLOW THE APPOINTMENT OF SUB-COMMITTEES.

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Senate Joint Resolution 18 of the Organizational Session 1987 (Act 87-19) shall be amended to read as follows:

"There is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members,

shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, during which the committee shall exist. Provided however, on weekdays upon which a meeting is scheduled, members must attend said meeting in order to be paid. Provided further, the co-chairmen and vice-chairmen and deputy vice-chairmen shall be entitled to, and shall receive the same daily legislative compensation, expense allowance, per diem and other compensation which they receive while in legislative session. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation and four additional members of the Senate to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, and seven additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

"The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. Each Co-Chairman may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. Members appointed to any Sub-committee shall each be entitled to, and shall receive, the same daily legislative compensation and expense allowance which they receive while in Legislative Session for each day said members attend a Sub-committee meeting. Said Sub-committee members shall not be paid for more than 30 calendar days in any single interim period for work of said Sub-committee. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

"All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

"BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each members of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1990."

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 265, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Parker:

H. J. R. 249. ENCOURAGING THE LOCAL DISTRICT ATTORNEYS TO GIVE GREATER PRIORITY TO ENFORCEMENT OF THE CHILD CARE ACT OF 1971, REGARDING THE OPERATION OF UNLICENSED OR OUT-OF-COMPLIANCE CHILD DAYCARE FACILITIES, AND FURTHER, REQUESTING THE ATTORNEY GENERAL'S OFFICE TO ENCOURAGE LOCAL DISTRICT ATTORNEYS TO GIVE GREATER PRIORITY TO ENFORCEMENT OF THE CHILD CARE ACT OF 1971, AND WHEN SPECIFIC FAILURE TO ACT IS BROUGHT TO THE ATTENTION OF THE ATTORNEY GENERAL THAT HE TAKE APPROPRIATE LEGAL STEPS NECESSARY TO INSURE COMPLIANCE.

WHEREAS, pursuant to the Report of the Joint Governor's/Legislative Task Force on Child Day Care (April 1987), Alabama's Child Care Act of 1971 is the only mechanism that protects the health and safety of children in child day care; and

WHEREAS, Alabama's Child Care Act of 1971 is the only mechanism that provides parents consumer protection; and

WHEREAS, the jurisdiction of the Department of Human Resources licensing ends when information concerning compliance violations is reported to the local District Attorney's office; and

WHEREAS, cooperation from the State Attorney General and local District Attorneys is necessary to carry out the legislative intent of the 1971 Child Care Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage and strongly urge the local District Attorneys to give greater priority to enforcement of the Child Care Act of 1971, regarding the operation of unlicensed or out-of-compliance child day care facilities in particular.

RESOLVED FURTHER, That the Attorney General's office encourage local District Attorneys to give greater priority to enforcement of the Child Care Act of 1971, and when specific failure to act is brought to the attention of the Attorney General that he take appropriate legal steps necessary to insure compliance.

RESOLVED FURTHER, That a copy of this resolution be sent to the Attorney General and to each district attorney of this state.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 249, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harvey:

**H. J. R. 99. CREATING THE JOINT INTERIM COMMITTEE ON THE DISPOSAL OF SCRAP TIRES.**

WHEREAS, the Alabama Legislature is concerned about the health and environmental problems related to the disposal of scrap tires which requires further study in depth and these require positive recommendations to the Legislature; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in order to further suggest to the state legislators sound, workable, financially feasible and economically possible methods of disposing scrap tires by the most healthful and environmentally safe procedure there is hereby organized a Joint Interim Committee on the Disposal of Scrap Tires, to be composed of eight (8) members of the Legislature: four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. In addition to the legislative members, the following nonvoting members, from the public, shall be: The president, the vice-president and the executive director of the Alabama Tire Dealers' Association, and a total of three tire dealers, with one dealer from each the central, southern and northern regions, all of whom shall be selected by the executive director of the Alabama Tire Dealers' Association, and one representative of a tire manufacturer's facility in Alabama, to be appointed by the chairman of committee. These nonvoting members shall serve without pay and shall give such expertise and perform such tasks as may be assigned by the full committee. It shall be the duty and function of the committee to analyze the present status of disposal of scrap tires and to make recommendations for legislative revision which it considers necessary or desirable to enable the state to more adequately meet and furnish the services and requirements of the citizens in a safe, healthful and environmentally sound manner.

In reviewing the status and the pertinent laws in Alabama, the committee shall consider and make studies of relative hazardous waste disposal laws and regulations at both the state and federal levels, together with associated problems.

**RESOLVED FURTHER,** That the committee shall elect a chairman and cochairman from among the voting members and shall elect officers from among the membership. The committee shall provide for their own rules of procedure to conduct its business and shall meet at the call of the chair.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the committee, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the committee

shall certify the sums due to the clerk or other employees of the committee. The total amount of funds expended by the committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500).

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations by the fifth legislative day of the 1988 Regular Session at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 99, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Freeman:

H. J. R. 286. URGING THE INSTITUTIONS OF HIGHER EDUCATION TO GRANT PAY RAISES TO CERTAIN EMPLOYEES DENIED SALARY INCREASES DUE TO PRORATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama most strongly urges that all institutions of higher education grant salary increases to their employees who failed to receive pay raises during 1986 due to proration of the Special Educational Trust Fund.

BE IT FURTHER RESOLVED, That we urge the amount of said increases shall be equal to the amount that proration is reduced and that the increases be granted retroactively to October 1, 1986.

RESOLVED FURTHER, That a copy of this resolution be sent to each president of every institution of higher education located within this state.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 286, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 110. ESTABLISHING THE CONTINUING SELECT JOINT COMMITTEE ON INSURANCE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing select joint committee on insurance to be composed of 12 members; the chairman of the House standing committee on Health and two members of said standing committee appointed by the Speaker of the House, the chairman of the House standing committee on Insurance and two members of said standing committee appointed by the Speaker of the House, the chairman of the Senate standing committee on Health and two members of said standing committee appointed by the Lieutenant Governor, and the chairman of the Senate standing committee on Banking and Insurance and two members of said standing committee appointed by the Lieutenant Governor. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study supplemental and other insurance plans offered to the elderly and aged citizens of the state. The committee shall study the availability and affordability of said insurance and whether all contractual obligations are being lawfully fulfilled.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1988 Regular Session and each regular session thereafter. Provided, however, the committee shall terminate on January 1, 1991. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses within and without the state for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state, and the total expenses of the committee shall not exceed \$10,000.00 per annum.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 110, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Blakeney and Ford:

H. J. R. 295. COMMENDING THE ALABAMA NATIONAL GUARD'S 151ST ARMY BAND.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 295, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Davis:

H. J. R. 264. EXPRESSING SUPPORT FOR THE JULY 4TH "BUY ALABAMA FIRST" CAMPAIGN.

WHEREAS, Alabama's goods, products and services are unparalleled in quality; and

WHEREAS, Alabama's limitless reservoir of natural resources and its ideal geographic location serve as attractive lures for potential industries and businesses; and

WHEREAS, Alabama's citizens are a tribute and a complement to its resources and location; and

WHEREAS, Alabama's WBRC-6 "Buy Alabama First" campaign encourages businesses that produce, manufacture or grow Alabama products and provide services to promote their goods and services; and

WHEREAS, the goals of the campaign are to increase awareness and enhance pride in Alabama; and

WHEREAS, WBRC-6's first "Buy Alabama First" campaign will culminate in a celebration of Alabama's pride on July 4th at the State Fairgrounds in Birmingham, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we declare the week of July 4th as "Buy Alabama First" week, and urge all of our citizens to realize that Alabama is the greatest state in the union and to show their active support for all programs designed to enlighten and enhance Alabama's pride and products with individuals around the world.

BE IT FURTHER RESOLVED, That we commend WBRC-6 for their pride in our state and community in promoting such a commendable and worthwhile project.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 264, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Seibels:

H. J. R. 241. COMMENDING THE 117TH TACTICAL RECONNAISSANCE WING OF THE AIR NATIONAL GUARD, BIRMINGHAM, ALABAMA.

Also:

By Reps. Butler, Hall, Freeman, Brooks, Grayson, and Hettinger:

H. J. R. 242. COMMENDING THE BOEING COMPANY ON ITS 25th ANNIVERSARY IN ALABAMA AND ITS MAJOR ROLE IN AMERICA'S SPACE PROGRAM.

Also:

By Rep. Butler:

H. J. R. 244. COMMENDING THE INTERNATIONAL SILVER STICK HOCKEY ASSOCIATION IN ITS 25th YEAR OF SERVICE.

Also:

By Rep. Bowling:

H. J. R. 247. REQUESTING THE UNITED STATES POSTMASTER GENERAL TO ISSUE A STAMP COMMEMORATING THE 100TH ANNIVERSARY OF THE PROFESSION OF CHIROPRACTIC.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 241, 242, and 244, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 247, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

H. J. R. 267. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 4, 1987, that we adjourn to meet again on Tuesday, June 9, 1987.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 267, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 41, without the Governor's signature and with a suggested Executive Amendment.

Respectfully submitted,

JOHN E. GRENIER,  
Executive Secretary.

DONE THIS 16th DAY OF JUNE, 1987.

**MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 41, without my approval and with the following suggested Executive Amendment:

**EXECUTIVE AMENDMENT TO S. B. NO. 41:**

On page 1, line 21, delete the word "apaid" and in lieu thereof substitute the word "paid".

On page 1, following the word "paid." on line 22 and before the word "The" on line 23, insert the following sentence:

In no event shall any such circuit clerk's total salary, including the supplement, be greater than the combined salary and supplement for the Montgomery County Tax Assessor.

The adoption of the above suggested amendment will remove my objections to this bill.

Respectfully,

GUY HUNT,  
Governor.

**GOVERNOR'S MESSAGE**

On motion of Senator Langford, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

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which said amendment is set out in the foregoing Message from the Governor,  
by a vote of

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hale     | Parsons   |
| Bedsole   | Denton        | Hand     | Preuitt   |
| Bennett   | Dixon         | Holmes   | Rice      |
| Cabaniss  | Ellis         | Langford | Sanders   |
| Campbell  | Figures       | Menton   | Smith (B) |
| Corbett   | Foshee        | Mitchem  | Smith (J) |
| Covington | Goodwin       |          |           |

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Denton requested and received permission to suspend the Rules  
in order to bring up the following B. I. R. and Bill, to-wit:

Senator Denton, B. I. R., H. B. 488, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |        |           |
|-----------|----------|--------|-----------|
| Senators: | Corbett  | Hale   | Mitchem   |
| Amari     | Denton   | Hand   | Parsons   |
| Barron    | Dixon    | Holmes | Preuitt   |
| Bedsole   | Drinkard | Horn   | Rice      |
| Bennett   | Ellis    | Manley | Sanders   |
| Cabaniss  | Figures  | Menton | Smith (B) |
| Campbell  | Foshee   |        |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 488. Relating to Colbert County; to provide for the creation of a  
Public Corporation which shall be vested with the powers provided for in  
the act, for the purpose of attracting conventions and visitors to the County;  
to define the powers of such corporation; and to provide for the repeal of  
laws, whether general, special, or local, in conflict with the provisions of the  
act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |        |           |
|-----------|----------|--------|-----------|
| Senators: | Corbett  | Hale   | Mitchem   |
| Amari     | Denton   | Hand   | Parsons   |
| Barron    | Dixon    | Holmes | Preuitt   |
| Bedsole   | Drinkard | Horn   | Rice      |
| Bennett   | Ellis    | Manley | Sanders   |
| Cabaniss  | Figures  | Menton | Smith (B) |
| Campbell  | Foshee   |        |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Denton requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Denton, B. I. R., H. B. 489, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Cabaniss | Goodwin  | Langford |
| Amari     | Campbell | Hale     | Manley   |
| Barron    | Denton   | Hand     | Menton   |
| Bedford   | Dixon    | Hilliard | Parsons  |
| Bedsole   | Ellis    | Holmes   | Rice     |
| Bennett   | Figures  | Horn     | Sanders  |
| Bishop    | Foshee   |          |          |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 489. Relating to Colbert County: Abolishing the office of constable.  
was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Cabaniss | Goodwin  | Langford |
| Amari     | Campbell | Hale     | Manley   |
| Barron    | Denton   | Hand     | Menton   |
| Bedford   | Dixon    | Hilliard | Parsons  |
| Bedsole   | Ellis    | Holmes   | Rice     |
| Bennett   | Figures  | Horn     | Sanders  |
| Bishop    | Foshee   |          |          |

—25

*Nays:*

—0

**RECESS**

At 12:20 P.M., on motion of Senator Manley, the Senate took a recess until 1:30 this afternoon.

The recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

**INTROCUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 565. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United



States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of purchasing land, buildings and/or providing funds for the administration of the unemployment compensation and employment service programs as the director shall determine to be in the best interest of the State, and the total cost of which does not exceed the amount of this appropriation. Such funds are to be expended exclusively for the programs administered by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama.

Committee on Business and Labor Relations.

By Senator deGraffenried:

S. 566. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Committee on Finance and Taxation.

By Senator Parsons:

S. 567. To exempt the Alabama Blinded Veterans Association, Incorporated, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Parsons:

S. 568. To provide additional funding for domestic violence shelters by amending Sections 30-6-6 and 30-6-11 Code of Alabama 1975, as last amended, to delete the limitation on the maximum available to each domestic violence facility, and re-designate the following subsection as subsection (e); to increase the additional fee for marriage licenses provided for therein by \$10.00, from \$5.00 to \$15.00; and to remove language in Section 30-6-11 which refers to a time period which has already passed.

Committee on Finance and Taxation.

By Senator Parsons:

S. 569. Relating to the modification of child custody decrees; prohibiting modification earlier than two years unless the child's physical, mental, moral or emotional health is endangered; providing factors that the court shall consider in modification of a decree; providing the procedure of a party seeking modification; and providing penalties for filing frivolous or vexatious motions.

Committee on Governmental Affairs.

By Senators Bishop and deGraffenried (With Notice and Proof):

S. 570. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session (Acts 1981, p. 88) as amended by Act No. 85-571, H. 1005, 1985 First Special Session (Acts 1985, p. 875), relating to the compensation and expense allowance for the Sheriff of Tuscaloosa County, so as to further provide for an additional expense

allowance and expiration date therefor and the Sheriff's compensation, in the next term of office for Sheriff.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 570, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dial:

S. 571. To amend §§16-25-1 and 36-27-1, Code of Alabama 1975, to permit a member of the teachers' retirement system or employees' retirement system who elects to receive credit for accumulated sick leave toward retirement to use such accumulated sick leave in determining the member's average final compensation.

Committee on Finance and Taxation.

By Senators Dial, deGraffenried, and Hand:

S. 572. To establish the Alabama Athlete Agents Regulatory Commission; to provide for membership, terms, and duties to require agents for athletes to register and be licensed in this state; to provide for revocation of registration; to provide for filing and registration fees; to require agents to post surety bonds; to provide for disposition of the proceeds from registrations and fines; to provide for the contents and approval of contracts; to prohibit certain activities; to provide further for actions against agents; to provide for an appellate procedure from decisions of the commission; to provide for a procedure for arbitration; and to provide for penalties for violations.

Committee on Education.

By Senator Dial:

S. 573. To repeal Section 29-1-8, Code of Alabama 1975, which provides for the compensation and mileage allowance for members of the legislature.

Committee on Finance and Taxation.

By Senator Dial:

S. 574. To propose an Amendment to the Constitution of Alabama of 1901, so as to abolish the legislative compensation of ten dollars per day and ten cents per mile travel allowance.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senators Dial, Rice, Hand, Manley, Bedsole, and Dixon:

S. 575. To require that the State Department of Education establish a statewide teacher evaluation system and to repeal Sections 16-24A-1 through 16-24A-29, Code of Alabama 1975, the Alabama Performance-Based Career Incentive Program Act.

Committee on Education.

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By Senator Horn (With Notice and Proof):

S. 576. To provide for the appointment, duties and compensation of six Deputy District Attorneys in the Tenth Judicial Circuit of Alabama, Bessemer Division.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 576, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Hilliard, Corbett, and Bennett:

S. 577. To provide that any adult may, without payment of tax, produce limited amounts of beer and wine for personal or family use and not for sale.

Committee on Finance and Taxation.

By Senator Ellis:

S. 578. To provide for a supplemental appropriation to the Alabama Department of Public Safety from the State General Fund for the fiscal year 1987-88.

Committee on Finance and Taxation.

By Senator Manley:

S. 579. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities and local industrial development boards, economic development councils and airport authorities, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the

funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Committee on Finance and Taxation.

By Senators Preuitt, Campbell, Rice, and Menton:

S. 580. To amend Section 21-1-16, Code of Alabama 1975, relating to a register of blind persons, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness; to require said Institute to create and provide a register form and to publish an annual report; to provide for the confidentiality of said form and to grant certain civil and criminal immunity to persons who report information pursuant to this act.

Committee on Health.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 100. To amend §§16-25-14(a) and 36-27-16(a), Code of Alabama 1975, to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system or the employees' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley (With Notice and Proof):

H. 392. Relating to Coffee County; authorizing the Coffee County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; authorizing the county commission to enter into service contracts for county fire protection; expressing legislative intent regarding said contracts; and repealing Act 86-718, 1986 1st Special Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 392, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 392—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Bugg (With Notice and Proof):

H. 302. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sardis City, Alabama, in Etowah County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 302, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Williams and Flowers (With Notice and Proof):

H. 716. Relating to the City of Ozark in Dale County, Alabama; authorizing the municipal governing body to levy additional ad valorem taxes for public school and educational purposes within the municipality, and calling for a referendum thereon by the qualified municipal electors.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 716, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 302 and 716—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Dillard (With Notice and Proof):

H. 583. Relating to Lawrence County; to provide that any municipality whose corporate limits or boundaries include lands lying outside of Lawrence

County, must, in addition to all other requirements of law, obtain the consent of the Lawrence County Commission before annexation of lands lying in Lawrence County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 583, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Warren (With Notice and Proof):

H. 709. Relating to Conecuh County; to authorize the Conecuh County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county not to exceed two (2) cents per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Conecuh County Commission to make reasonable rules and regulations for the collection of such taxes; to provide the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Conecuh County Commission for the collection of said taxes; and to provide for an advisory referendum relative to the levying of such taxes and the effectiveness.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 709, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 583 and 709—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Cosby:

H. 406. Proposing an amendment to the Constitution to permit elected superintendents and any other officials not elected by a state wide ballot to participate in such state retirement plans that are established by law; to further provide that any member of the state retirement plan who is elected to a state wide office may continue such participation during his term of office.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 406—to the Committee on Finance and Taxation

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 188. To amend Section 8-17-82, Code of Alabama 1975, which relates to the labeling requirements for certain containers of certain petroleum products so as to provide further for the labeling of containers and pumps from which certain petroleum products are sold or dispensed.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grayson, Hall, Freeman, and Hettinger (With Notice and Proof):

H. 539. To provide further for the filling of vacancies in county offices of Madison County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 539, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 539—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

H. 670. Relating to Pickens County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Pickens County jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 670, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 688. Relating to Escambia County; amending Act No. 84-576, H. 664, 1984 Regular Session, which establishes a trust fund for the proceeds of the oil and gas severance taxes, so as to provide further for the termination date of the trust fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 688, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 670 and 688—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry:

H. 587. Proposing an amendment to the Constitution of Alabama relative to continuing the imposition of a special district ad valorem tax in certain areas of Baldwin County for public hospital purposes.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 587—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Flowers and Williams (With Notice and Proof):

H. 562. To further reapportion House District 88 and House District 89 of the Alabama Legislature based upon the 1980 census.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 562, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 562—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Clark (J) (With Notice and Proof):

H. 560. Relating to Barbour County; authorizing and empowering the county commission to impose a certain issuance fee on citations issued for delinquent mobile home license tags and providing that the proceeds from such fees shall be paid to the county license inspector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 560, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Clark (J) (With Notice and Proof):

H. 666. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge and to provide for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 666, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 560 and 666—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. White (F) (With Notice and Proof):

H. 689. To fix the fee for the issuance of pistol permits in Escambia County and provide for the deposit of such fees in a fund known as the Sheriff's Pistol Permit Fund and provide for the use of such fund and an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 689, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 690. Relating to Escambia County; to repeal Act No. 649, H. 1144, 1978 Regular Session (Acts 1978, p. 921) which provides for the payment or reimbursement by the county to the members and chairman of the county commission of actual expenses incurred in the performance of their duties outside the county, including expenses incurred in attending conventions of the national and Alabama associations of county commissioners.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 690, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 689 and 690—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Davis:

H. 249. Relating to controlled substances; prescribing certain additional penalties for any person convicted of an unlawful sale of a controlled substance on the campus or within a certain radius of the campus boundaries of any private or public school, college, university or other educational institution in this state.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 249—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

H. 737. Relating to Geneva County; authorizing the Geneva County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; prescribing misdemeanor violations against those who contravene the provisions of this act; and repealing Act No. 85-433, H. 711 Regular Session 1985 (Acts 1985, p. 399) providing for the Geneva County Commission to levy an additional and county, privilege license and excise tax on the sale, distribution, storage, use or consumption of tobacco and certain tobacco products; the collection, enforcement and distribution of the same.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 737, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Bryant (With Notice and Proof):

H. 757. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 757, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 737 and 757—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 291. To propose a constitutional amendment amending Section 6 and deleting Section 16 of Constitutional Amendment 465 so as to provide that the Port Authority established by the City of Jackson shall only maintain offices within said city, that certain powers shall be granted and enforceable only within the City of Jackson and the police jurisdiction of said city and to remove the prohibition against the subsequent incorporation of another corporation within the county.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Junkins:

H. 413. To amend Section 32-8-61 Code of Alabama 1975 in order to provide that delivery to the Department of Revenue of the existing certificate of title, an application for a certificate of title and the required fee shall be made within twenty days in order for the security interest to be perfected as of the time of its creation.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 413—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. White (G), Perdue, and Newton (With Notice and Proof):

H. 434. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a mayor-council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to provide the annual salary to be paid to the mayor of such city.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 434, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 434—to the Committee on Local Legislation No. 2

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Williams and Flowers (With Notice and Proof):

H. 121. Relating to Dale County; providing that the Dale County Commission or other governing body of Dale County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions for the purpose of funding public education; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Dale County as a whole or that there may be excluded from any such levy any incorporated municipality in Dale County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 121, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 121—to the Committee on Local Legislation No. 1

### RESOLUTIONS

Senator Denton offered the following Senate Resolutions, to-wit:

S. R. 125. COMMENDING AND CONGRATULATING SUSAN BRETHERICK AS "SHOALS AMBASSADOR OF THE YEAR."

Also:

S. R. 126. COMMENDING CHARLES H. THOMPSON FOR DISTINGUISHED SERVICE TO COLBERT COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 127. COMMENDING SAMUEL F. SHERRILL FOR DISTINGUISHED SERVICE TO COLBERT COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 128. COMMENDING EARL WALDREP FOR DISTINGUISHED SERVICE TO COLBERT COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 129. COMMENDING PAUL REID FOR DISTINGUISHED SERVICE TO COLBERT COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 130. COMMENDING CAM WILKERSON FOR DISTINGUISHED SERVICE TO COLBERT COUNTY AND TO ALL CITIZENS THEREOF.

Which were filed.

### BUDGET ISOLATION RESOLUTION

Senator Hand requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Hand, B. I. R., H. B. 385, adopted.

REGULAR SESSION  
18th Day

909

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Denton   | Goodwin  | Menton  |
| Amari     | Dial     | Hand     | Mitchem |
| Barron    | Dixon    | Holmes   | Parsons |
| Bedsole   | Drinkard | Horn     | Preuitt |
| Bishop    | Ellis    | Langford | Rice    |
| Cabaniss  | Figures  | Manley   | Sanders |
| Campbell  | Foshee   |          |         |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 385. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley, in Baldwin County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Denton   | Goodwin  | Menton  |
| Amari     | Dial     | Hand     | Mitchem |
| Barron    | Dixon    | Holmes   | Parsons |
| Bedsole   | Drinkard | Horn     | Preuitt |
| Bishop    | Ellis    | Langford | Rice    |
| Cabaniss  | Figures  | Manley   | Sanders |
| Campbell  | Foshee   |          |         |

—25

*Nays:* —0

**MOTION IN WRITING**

Senator Dial offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 227, on page 68 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 227, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 398, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Campbell | Hand     | Menton    |
| Amari     | Denton   | Hilliard | Mitchem   |
| Barron    | Dial     | Holmes   | Parsons   |
| Bedsole   | Dixon    | Horn     | Preuitt   |
| Bennett   | Foshee   | Langford | Sanders   |
| Bishop    | Goodwin  | Manley   | Smith (J) |
| Cabaniss  | Hale     |          |           |

—25

Nays:

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 398. Proposing an amendment to the Constitution of 1901, as amended, relating to Greene County and the qualifications for office of the judge of probate.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Campbell | Hand     | Menton    |
| Amari     | Denton   | Hilliard | Mitchem   |
| Barron    | Dial     | Holmes   | Parsons   |
| Bedsole   | Dixon    | Horn     | Preuitt   |
| Bennett   | Foshee   | Langford | Sanders   |
| Bishop    | Goodwin  | Manley   | Smith (J) |
| Cabaniss  | Hale     |          |           |

—25

Nays:

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 189. To repeal Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, as amended, which sections relate to reduction of rate of taxation on gasohol and to provide for an effective date.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Foshee, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 189, the title of which is set out in the foregoing Message from the House, to-wit:

**HOUSE SUBSTITUTE FOR S.B. 189**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 40-17-132, Code of Alabama 1975, relating to reduction of rate of taxation on gasohol, so as to reduce further the amount of excise



tax on gasohol so that the reduced rate will expire on December 31, 1988; and to repeal, effective December 31, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, relating to such reduced rate of taxation on gasohol.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-17-132, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-17-132.

"(a) Notwithstanding the other provisions of this chapter, the amount of excise tax on gasohol shall be three cents per gallon less than gasoline. The reduced rate of taxation granted by this section for gasohol shall also apply to gasohol manufactured or distilled in another state, if that state reduces the rate of taxation or exempts from its motor fuel tax gasohol manufactured or distilled within the state of Alabama. For all other purposes other than the amount of excise tax, the term 'gasohol' shall be included within the term 'gasoline' as defined in section 40-17-30.

"(b) Effective July 1, 1987, the amount of excise tax on gasohol provided for in subsection (a) of this section shall be reduced to two cents per gallon less than gasoline.

"(c) Effective October 1, 1987, the amount of excise tax on gasohol provided for in subsection (b) of this section shall be reduced to one cent per gallon less than gasoline.

"(d) Effective December 31, 1988, the reduced rate of taxation granted by this section for gasohol shall terminate."

Section 2. Effective December 31, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, which relate to reduction of rate of taxation on gasohol are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 27; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Goodwin  | Menton    |
| Bedsole   | deGraffenried | Hale     | Mitchem   |
| Bennett   | Denton        | Hilliard | Parsons   |
| Bishop    | Dial          | Holmes   | Preuitt   |
| Cabaniss  | Drinkard      | Horn     | Sanders   |
| Campbell  | Ellis         | Langford | Smith (B) |
| Corbett   | Foshee        | Manley   | Smith (J) |

—27

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Campbell, B. I. R., H. B. 181, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Bishop   | Foshee   | Manley  |     |
| Amari     | Campbell | Hale     | Menton  |     |
| Bailey    | Denton   | Hilliard | Parsons |     |
| Barron    | Dial     | Holmes   | Preuitt |     |
| Bedford   | Dixon    | Horn     | Rice    |     |
| Bedsole   | Ellis    | Langford | Sanders |     |
| Bennett   | Figures  |          |         | —25 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 181. Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County; and repealing conflicting laws or parts of laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Bishop   | Foshee   | Manley  |     |
| Amari     | Campbell | Hale     | Menton  |     |
| Bailey    | Denton   | Hilliard | Parsons |     |
| Barron    | Dial     | Holmes   | Preuitt |     |
| Bedford   | Dixon    | Horn     | Rice    |     |
| Bedsole   | Ellis    | Langford | Sanders |     |
| Bennett   | Figures  |          |         | —25 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**BUDGET ISOLATION RESOLUTION**

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Goodwin, B. I. R., H. B. 433, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Goodwin  | Menton    |     |
| Amari     | Covington     | Hand     | Parsons   |     |
| Bailey    | deGraffenried | Hilliard | Rice      |     |
| Barron    | Denton        | Holmes   | Sanders   |     |
| Bedford   | Dial          | Horn     | Smith (B) |     |
| Cabaniss  | Dixon         | Langford | Smith (J) |     |
| Campbell  | Ellis         |          |           | —25 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 433. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court for Bibb County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Goodwin  | Menton    |
| Amari     | Covington     | Hand     | Parsons   |
| Bailey    | deGraffenried | Hilliard | Rice      |
| Barron    | Denton        | Holmes   | Sanders   |
| Bedford   | Dial          | Horn     | Smith (B) |
| Cabaniss  | Dixon         | Langford | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Drinkard requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Drinkard, B. I. R., H. B. 277, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Drinkard | Holmes   | Parsons   |
| Amari     | Ellis    | Horn     | Preuitt   |
| Bedsole   | Foshee   | Langford | Rice      |
| Bennett   | Goodwin  | Manley   | Sanders   |
| Corbett   | Hale     | Menton   | Smith (B) |
| Denton    | Hand     | Mitchem  | Smith (J) |
| Dial      | Hilliard |          |           |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 277. Relating to St. Clair County; providing further for the county superintendent of education expense allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Drinkard | Holmes   | Parsons   |
| Amari     | Ellis    | Horn     | Preuitt   |
| Bedsole   | Foshee   | Langford | Rice      |
| Bennett   | Goodwin  | Manley   | Sanders   |
| Corbett   | Hale     | Menton   | Smith (B) |
| Denton    | Hand     | Mitchem  | Smith (J) |
| Dial      | Hilliard |          |           |

—25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Drinkard requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Drinkard, B. I. R., H. B. 554, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Foshee  | Parsons   |     |
| Amari     | Covington     | Goodwin | Preuitt   |     |
| Barron    | deGraffenried | Hale    | Rice      |     |
| Bedsole   | Denton        | Hand    | Sanders   |     |
| Bennett   | Dial          | Horn    | Smith (B) |     |
| Cabaniss  | Drinkard      | Menton  | Smith (J) |     |
| Campbell  | Ellis         |         |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 554. Relating to St. Clair County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Foshee  | Parsons   |     |
| Amari     | Covington     | Goodwin | Preuitt   |     |
| Barron    | deGraffenried | Hale    | Rice      |     |
| Bedsole   | Denton        | Hand    | Sanders   |     |
| Bennett   | Dial          | Horn    | Smith (B) |     |
| Cabaniss  | Drinkard      | Menton  | Smith (J) |     |
| Campbell  | Ellis         |         |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Drinkard requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Drinkard, B. I. R., H. B. 555, adopted.

**REGULAR SESSION  
18th Day**

915

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |          |
|-----------|---------------|---------|----------|
| Senators: | Bishop        | Ellis   | Horn     |
| Amari     | Cabaniss      | Foshee  | Langford |
| Bailey    | Campbell      | Goodwin | Manley   |
| Barron    | Covington     | Hale    | Menton   |
| Bedford   | deGraffenried | Hand    | Parsons  |
| Bedsole   | Dial          | Holmes  | Rice     |
| Bennett   | Drinkard      |         |          |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 555. Relating to St. Clair County; to provide for additional expense allowances for certain county officials and expiration date therefor and providing for a certain monthly salary for certain county officials to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for said officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |          |
|-----------|---------------|---------|----------|
| Senators: | Bishop        | Ellis   | Horn     |
| Amari     | Cabaniss      | Foshee  | Langford |
| Bailey    | Campbell      | Goodwin | Manley   |
| Barron    | Covington     | Hale    | Menton   |
| Bedford   | deGraffenried | Hand    | Parsons  |
| Bedsole   | Dial          | Holmes  | Rice     |
| Bennett   | Drinkard      |         |          |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Denton requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Denton, B. I. R., H. B. 185, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Senators: | Corbett   | Foshee   | Manley    |
| Barron    | Covington | Hale     | Menton    |
| Bedford   | Denton    | Hand     | Parsons   |
| Bedsole   | Dixon     | Holmes   | Rice      |
| Bennett   | Drinkard  | Horn     | Sanders   |
| Cabaniss  | Ellis     | Langford | Smith (J) |
| Campbell  | Figures   |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 185. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Corbett   | Foshee   | Manley    |     |
| Barron    | Covington | Hale     | Menton    |     |
| Bedford   | Denton    | Hand     | Parsons   |     |
| Bedsole   | Dixon     | Holmes   | Rice      |     |
| Bennett   | Drinkard  | Horn     | Sanders   |     |
| Cabaniss  | Ellis     | Langford | Smith (J) |     |
| Campbell  | Figures   |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Denton requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Denton, B. I. R., H. B. 186, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Dixon    | Hand     | Menton    |     |
| Amari     | Drinkard | Hilliard | Mitchem   |     |
| Bennett   | Ellis    | Holmes   | Parsons   |     |
| Bishop    | Figures  | Horn     | Preuitt   |     |
| Cabaniss  | Foshee   | Langford | Rice      |     |
| Campbell  | Goodwin  | Manley   | Smith (J) |     |
| Denton    | Hale     |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 186. Relating to Lauderdale County; abolishing the office of constable in such county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Dixon    | Hand     | Menton    |     |
| Amari     | Drinkard | Hilliard | Mitchem   |     |
| Bennett   | Ellis    | Holmes   | Parsons   |     |
| Bishop    | Figures  | Horn     | Preuitt   |     |
| Cabaniss  | Foshee   | Langford | Rice      |     |
| Campbell  | Goodwin  | Manley   | Smith (J) |     |
| Denton    | Hale     |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Campbell, B. I. R., H. B. 183, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | deGraffenried | Foshee   | Manley  |
| Bedford   | Denton        | Hale     | Menton  |
| Bedsole   | Dial          | Hilliard | Parsons |
| Bennett   | Dixon         | Holmes   | Preuitt |
| Bishop    | Drinkard      | Horn     | Rice    |
| Campbell  | Ellis         | Langford | Sanders |
| Covington | Figures       |          |         |

--25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 183. Relating to Morgan County; relating to the process of service and its methods by the courts and collection of fees, as provided by law, by the sheriff or his deputy.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | deGraffenried | Foshee   | Manley  |
| Bedford   | Denton        | Hale     | Menton  |
| Bedsole   | Dial          | Hilliard | Parsons |
| Bennett   | Dixon         | Holmes   | Preuitt |
| Bishop    | Drinkard      | Horn     | Rice    |
| Campbell  | Ellis         | Langford | Sanders |
| Covington | Figures       |          |         |

--25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Campbell, B. I. R., H. B. 405, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Denton   | Holmes   | Parsons   |
| Amari     | Dial     | Horn     | Preuitt   |
| Bailey    | Dixon    | Langford | Rice      |
| Barron    | Ellis    | Manley   | Sanders   |
| Bedsole   | Foshee   | Menton   | Smith (B) |
| Bennett   | Hale     | Mitchem  | Smith (J) |
| Campbell  | Hilliard |          |           |

--25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 405. Relating to Morgan County; to levy an additional filing fee in all cases filed in the probate, district or circuit courts of the county to be deposited in the Morgan County Law Library Fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Denton   | Holmes   | Parsons   |     |
| Amari     | Dial     | Horn     | Preuitt   |     |
| Bailey    | Dixon    | Langford | Rice      |     |
| Barron    | Ellis    | Manley   | Sanders   |     |
| Bedsole   | Foshee   | Menton   | Smith (B) |     |
| Bennett   | Hale     | Mitchem  | Smith (J) |     |
| Campbell  | Hilliard |          |           | —25 |

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Campbell, B. I. R., H. B. 480, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Denton   | Hale     | Menton    |     |
| Amari     | Dial     | Hilliard | Preuitt   |     |
| Barron    | Dixon    | Holmes   | Rice      |     |
| Bedford   | Drinkard | Horn     | Sanders   |     |
| Bedsole   | Ellis    | Langford | Smith (B) |     |
| Bennett   | Figures  | Manley   | Smith (J) |     |
| Campbell  | Foshee   |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 480. Relating to Morgan County, to amend Act No. 80-597, H. 1141 of the 1980 Regular Session (Acts of 1980, p. 1011), as amended, relating to the distribution of certain gasoline taxes, so as to remove the expiration date.

was read a third time at length and passed.



**REGULAR SESSION  
18th Day**

919

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Denton   | Hale     | Menton    |     |
| Amari     | Dial     | Hilliard | Preuitt   |     |
| Barron    | Dixon    | Holmes   | Rice      |     |
| Bedford   | Drinkard | Horn     | Sanders   |     |
| Bedsole   | Ellis    | Langford | Smith (B) |     |
| Bennett   | Figures  | Manley   | Smith (J) |     |
| Campbell  | Foshee   |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Barron requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Barron, B. I. R., S. B. 418, adopted.

Yeas 25; Nays 0.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dial     | Hand     | Mitchem   |     |
| Barron        | Drinkard | Hilliard | Preuitt   |     |
| Bedsole       | Ellis    | Holmes   | Rice      |     |
| Bennett       | Figures  | Horn     | Sanders   |     |
| Corbett       | Foshee   | Langford | Smith (B) |     |
| Covington     | Goodwin  | Manley   | Smith (J) |     |
| deGraffenried | Hale     |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 418. Relating to DeKalb County; authorizing the probate judge to deposit the accounts of the probate office in an interest bearing account.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dial     | Hand     | Mitchem   |     |
| Barron        | Drinkard | Hilliard | Preuitt   |     |
| Bedsole       | Ellis    | Holmes   | Rice      |     |
| Bennett       | Figures  | Horn     | Sanders   |     |
| Corbett       | Foshee   | Langford | Smith (B) |     |
| Covington     | Goodwin  | Manley   | Smith (J) |     |
| deGraffenried | Hale     |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Barron requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Barron, B. I. R., S. B. 461, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Hale     | Mitchem   |     |
| Amari     | Corbett       | Hand     | Preuitt   |     |
| Barron    | deGraffenried | Holmes   | Rice      |     |
| Bedford   | Dial          | Horn     | Sanders   |     |
| Bedsole   | Drinkard      | Langford | Smith (B) |     |
| Bennett   | Ellis         | Manley   | Smith (J) |     |
| Bishop    | Foshee        |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 461. Relating to DeKalb County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Hale     | Mitchem   |     |
| Amari     | Corbett       | Hand     | Preuitt   |     |
| Barron    | deGraffenried | Holmes   | Rice      |     |
| Bedford   | Dial          | Horn     | Sanders   |     |
| Bedsole   | Drinkard      | Langford | Smith (B) |     |
| Bennett   | Ellis         | Manley   | Smith (J) |     |
| Bishop    | Foshee        |          |           | —25 |

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 399, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Campbell  | Goodwin  | Menton    |     |
| Amari     | Covington | Hale     | Mitchem   |     |
| Bailey    | Denton    | Hand     | Parsons   |     |
| Barron    | Dial      | Hilliard | Preuitt   |     |
| Bedsole   | Dixon     | Horn     | Sanders   |     |
| Bennett   | Ellis     | Manley   | Smith (J) |     |
| Cabaniss  | Figures   |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 399. Relating to Greene County; levying a lodging tax, providing for the collection and distribution of said tax.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Senators: | Campbell  | Goodwin  | Menton    |
| Amari     | Covington | Hale     | Mitchem   |
| Bailey    | Denton    | Hand     | Parsons   |
| Barron    | Dial      | Hilliard | Preuitt   |
| Bedsole   | Dixon     | Horn     | Sanders   |
| Bennett   | Ellis     | Manley   | Smith (J) |
| Cabaniss  | Figures   |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 406, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Campbell      | Foshee   | Langford |
| Amari     | Covington     | Goodwin  | Menton   |
| Bailey    | deGraffenried | Hand     | Mitchem  |
| Bedford   | Dial          | Hilliard | Parsons  |
| Bedsole   | Dixon         | Holmes   | Preuitt  |
| Bishop    | Ellis         | Horn     | Sanders  |
| Cabaniss  | Figures       |          |          |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 406. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Sumter County.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Campbell      | Foshee   | Langford |
| Amari     | Covington     | Goodwin  | Menton   |
| Bailey    | deGraffenried | Hand     | Mitchem  |
| Bedford   | Dial          | Hilliard | Parsons  |
| Bedsole   | Dixon         | Holmes   | Preuitt  |
| Bishop    | Ellis         | Horn     | Sanders  |
| Cabaniss  | Figures       |          |          |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., H. B. 399, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Foshee   | Manley    |     |
| Amari     | Corbett  | Hale     | Menton    |     |
| Bailey    | Denton   | Hand     | Parsons   |     |
| Barron    | Dial     | Hilliard | Preuitt   |     |
| Bedsole   | Dixon    | Horn     | Sanders   |     |
| Bennett   | Ellis    | Langford | Smith (J) |     |
| Bishop    | Figures  |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 399. Relating to Sumter County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Sumter County legislative delegation.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Foshee   | Manley    |     |
| Amari     | Corbett  | Hale     | Menton    |     |
| Bailey    | Denton   | Hand     | Parsons   |     |
| Barron    | Dial     | Hilliard | Preuitt   |     |
| Bedsole   | Dixon    | Horn     | Sanders   |     |
| Bennett   | Ellis    | Langford | Smith (J) |     |
| Bishop    | Figures  |          |           | —25 |

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 407, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Goodwin  | Menton    |     |
| Bailey    | deGraffenried | Hale     | Mitchem   |     |
| Bedford   | Dial          | Hand     | Parsons   |     |
| Bedsole   | Dixon         | Hilliard | Preuitt   |     |
| Bishop    | Drinkard      | Horn     | Sanders   |     |
| Cabaniss  | Ellis         | Langford | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 407. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Goodwin  | Menton    |     |
| Bailey    | deGraffenried | Hale     | Mitchem   |     |
| Bedford   | Dial          | Hand     | Parsons   |     |
| Bedsole   | Dixon         | Hilliard | Preuitt   |     |
| Bishop    | Drinkard      | Horn     | Sanders   |     |
| Cabaniss  | Ellis         | Langford | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Parsons requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Parsons, B. I. R., H. B. 348, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Menton    |     |
| Amari     | Covington     | Goodwin  | Mitchem   |     |
| Barron    | deGraffenried | Hale     | Parsons   |     |
| Bedford   | Denton        | Hilliard | Rice      |     |
| Bennett   | Dixon         | Horn     | Sanders   |     |
| Bishop    | Drinkard      | Manley   | Smith (J) |     |
| Cabaniss  | Figures       |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 348. To amend Article VI, of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, to provide a delayed retirement benefit for employees of the Jefferson County Board of Health who have ten years of service. To provide for actuarial reports of the costs of such benefit, to provide an effective date, to provide for the payment of the cost of said benefit, and to provide for related matters.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Menton    |
| Amari     | Covington     | Goodwin  | Mitchem   |
| Barron    | deGraffenried | Hale     | Parsons   |
| Bedford   | Denton        | Hilliard | Rice      |
| Bennett   | Dixon         | Horn     | Sanders   |
| Bishop    | Drinkard      | Manley   | Smith (J) |
| Cabaniss  | Figures       |          |           |

—25

Nays:

—0

**RESOLUTION**

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 131. COMMENDING MRS. FLORA MILNER PIKE ON HER NINETY-FOURTH BIRTHDAY.

Which was filed.

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 409, adopted.

Yeas 25; Nays 0.

Yeas:

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Figures  | Langford |
| Amari     | Corbett   | Foshee   | Manley   |
| Barron    | Covington | Hale     | Menton   |
| Bedford   | Denton    | Hand     | Preuitt  |
| Bedsale   | Dial      | Hilliard | Rice     |
| Bishop    | Dixon     | Horn     | Sanders  |
| Cabaniss  | Ellis     |          |          |

—25

Nays:

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 409. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Greene County. was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

|           |           |          |          |
|-----------|-----------|----------|----------|
| Senators: | Campbell  | Figures  | Langford |
| Amari     | Corbett   | Foshee   | Manley   |
| Barron    | Covington | Hale     | Menton   |
| Bedford   | Denton    | Hand     | Preuitt  |
| Bedsale   | Dial      | Hilliard | Rice     |
| Bishop    | Dixon     | Horn     | Sanders  |
| Cabaniss  | Ellis     |          |          |

—25

Nays:

—0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 410, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Menton    |
| Bailey    | deGraffenried | Goodwin  | Parsons   |
| Barron    | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Drinkard      | Horn     | Smith (B) |
| Bishop    | Ellis         | Langford | Smith (J) |
| Campbell  | Figures       |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 410. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Lowndes County. was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Menton    |
| Bailey    | deGraffenried | Goodwin  | Parsons   |
| Barron    | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Drinkard      | Horn     | Smith (B) |
| Bishop    | Ellis         | Langford | Smith (J) |
| Campbell  | Figures       |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., S. B. 411, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Corbett       | Hale     | Mitchem   |
| Bailey    | Covington     | Hand     | Preuitt   |
| Barron    | deGraffenried | Holmes   | Rice      |
| Bedford   | Dial          | Horn     | Sanders   |
| Bennett   | Dixon         | Langford | Smith (J) |
| Bishop    | Drinkard      |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 411. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Wilcox County. was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Foshee   | Menton    |     |
| Amari     | Corbett       | Hale     | Mitchem   |     |
| Bailey    | Covington     | Hand     | Preuitt   |     |
| Barron    | deGraffenried | Holmes   | Rice      |     |
| Bedford   | Dial          | Horn     | Sanders   |     |
| Bennett   | Dixon         | Langford | Smith (J) |     |
| Bishop    | Drinkard      |          |           | —25 |

*Nays:*

—0

**RESOLUTIONS**

Senator Denton offered the following Senate Resolutions, to-wit:

S. R. 132. COMMENDING WILLIAM B. DUNCAN FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 133. COMMENDING A. SELTON KILLEN FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 134. COMMENDING JOHN E. EZELL FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 135. COMMENDING BOBBY S. McCORMICK FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY AND TO ALL CITIZENS THEREOF.

Also:

S. R. 136. COMMENDING DOROTHY A. MITCHELL FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY AND TO ALL CITIZENS THEREOF.

Which were filed.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.



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H. 488. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

Also:

H. 489. Relating to Colbert County: Abolishing the office of constable.

Also:

H. J. R. 241. COMMENDING THE 117TH TACTICAL RECONNAISSANCE WING OF THE AIR NATIONAL GUARD, BIRMINGHAM, ALABAMA.

Also:

H. J. R. 242. COMMENDING THE BOEING COMPANY ON ITS 25TH ANNIVERSARY IN ALABAMA AND ITS MAJOR ROLE IN AMERICA'S SPACE PROGRAM.

Also:

H. J. R. 244. COMMENDING THE INTERNATIONAL SILVER STICK HOCKEY ASSOCIATION IN ITS 25TH YEAR OF SERVICE.

Also:

H. J. R. 251. MOURNING THE DEATH OF WAYNE ROBINSON OF ETOWAH COUNTY, ALABAMA.

Also:

H. J. R. 261. COMMENDING COACH DAROLD DUNLAVY AND THE AUBURN UNIVERSITY AT MONTGOMERY SENATORS ON THEIR NAIA NATIONAL MEN'S TENNIS CHAMPIONSHIP.

Also:

H. J. R. 263. COMMENDING THE RUSSELL CORPORATION'S ASHLAND SEWING PLANT.

Also:

H. J. R. 270. COMMENDING THE RUSSELL CORPORATION'S SYLACAUGA SEWING PLANT.

Also:

H. J. R. 272. COMMENDING COACH BUBBA LEWIS AND MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1987 STATE CLASS 6A BASEBALL CHAMPIONSHIP.

Also:

H. J. R. 273. COMMENDING MOBILE'S MURPHY HIGH SCHOOL ON ITS SELECTION AS A PRESIDENT'S MODEL SCHOOL.

Also:

H. J. R. 275. COMMENDING THE RUSSELL CORPORATION'S COOSA YARN PLANT.

Also:

H. J. R. 276. CONGRATULATING COACH RONNIE BAYNES AND THE TALLASSEE HIGH SCHOOL TIGERS ON THEIR 1987 STATE CLASS 4A BASEBALL CHAMPIONSHIP.

Also:

H. J. R. 278. HONORING JAMICE MAZZARELLA AS "LEGAL SECRETARY OF THE YEAR 1987."

Also:

H. J. R. 279. COMMENDING THE RUSSELL CORPORATION'S ALEXANDER CITY YARN DYE PLANT.

Also:

H. J. R. 282. COMMENDING THE RUSSELL CORPORATION OF ALEXANDER CITY, ALABAMA.

Also:

H. J. R. 283. COMMENDING THE RUSSELL CORPORATION'S ALEXANDER CITY NUMBER FOUR YARN PLANT.

Also:

H. J. R. 285. COMMENDING THE PELL CITY RED SOX ON THEIR OUTSTANDING 1987 BASEBALL SEASON.

Also:

H. J. R. 292. COMMENDING WILLIE F. TAYLOR ON HIS DISTINGUISHED CAREER.

Also:

H. J. R. 294. COMMENDING AMANDA MCKINNEY OF GREENSBORO, ALABAMA, FOR DISTINGUISHED ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 295. COMMENDING THE ALABAMA NATIONAL GUARD'S 151ST ARMY BAND.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 290. HONORING DR. HARRY E. FRANK, ON HIS DISTINGUISHED TENURE WITH AUBURN UNIVERSITY, AUBURN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 544. Relating to banks and banking, which amends Title 5 of the Alabama Code of 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act of 1987"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender, to acquire, own, and control a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks under certain conditions and limitations; provides the terms and conditions under which a credit card bank may be organized, owned, and controlled; provides for application fees to the Superintendent; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions, as the lender and the debtor may agree to from time to time; provides applicable law for regulatory supervision and enforcement authority for credit card banks; provides for applications and filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except when any rights, powers, privileges, or provisions thereof are inconsistent with the rights, powers, privileges, provisions, or limitations of Chapter 14A of Title 5; provides that a credit card bank shall not be considered a bank for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama of 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law and provides an effective date.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Manley, Horn, Preuitt, Smith (J), Bennett, and Rice:

S. 381. Relating to alcoholic beverages; to provide for business relations between suppliers and wholesalers of beer and table wine; to require written agreements setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew or refusal to continue said agreement; to provide for the transfer of wholesaler's business, for the establishment of written material and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the agreement or the Act, including method of voluntary arbitration; to provide for civil actions for violations, damages and venue; to provide that the wholesaler may not waive rights set forth in this Act; to provide that the Act relates to existing and future agreements, transferee of wholesaler continuing under written agreement, and supplier's successor; and to provide this Act is cumulative and repeals conflicting and inconsistent laws.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford, Amari, and Corbett (With Amendments):

S. 490. Renaming the Plumbers Examining Board established by Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended; continuing the existence of such board; authorizing such board to exercise certain statewide licensing authority over plumbers and gas fitters; defining certain terms relating to plumbing and gas fitting as used in this act; prescribing procedures for appointing successors to the current members of such board; prescribing regulations relative to the scope of authority of local and state licenses issued to plumbers and gas fitters; prescribing procedures for the testing and licensing of plumbers and gas fitters under this act; providing for the compensation and expenses of the members of such board and its hired or contracted employees; authorizing such board to adopt a fee schedule; prescribing procedures for revoking licenses; authorizing such board to enter into certain reciprocity agreements with other states; prescribing penalty for violation of this act and providing for supplemental effect.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Rice, deGraffenried, Smith (B), Dial, Dixon, Hale, Hand, Holmes, Bedsole, Smith (J), Ellis, Barron, Manley, and Preuitt (With Substitute):

S. 481. To amend further Sections 25-4-72 and 25-4-77, Code of Alabama 1975, relating to unemployment compensation, so as to increase the

maximum weekly unemployment benefits as of January 3, 1988, and to provide further for benefit eligibility conditions.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Figures and Bedsole (With Notice and Proof):

S. 552. Relating to seized assets and funds in controlled substances proceedings in Mobile County; authorizing the sheriff of the county and municipal chiefs of police to distribute such assets or funds for private and nonprofit drug prevention programs.

By Senator Figures (With Notice and Proof):

S. 557. This bill provides a supplement to the salary of each district judge in the Thirteenth Judicial Circuit.

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Dixon:

S. 162. To further provide for the enforcement of the controlled substances laws in the dental profession and related occupations; to further provide for the investigative powers of the board of dental examiners relating to drug or controlled substances violations; to amend Section 34-9-43, Code of Alabama 1975, as amended, relating to the general powers and duties, so as to provide that the board's investigators shall have the powers of peace officers and arrest relative to the enforcement of the drug and controlled substances laws; to further amend Sections 20-2-90 and 20-2-91, Code of Alabama 1975, as amended, relating to the enforcement of such laws and the inspections of prescriptions, orders, and records therefor, so as to authorize the investigators of the board of dental examiners to execute such powers to effectively investigate drug or controlled substances violations.

By Senator Langford:

S. 44. To amend Sections 41-16-54 and 41-16-55, Code of Alabama 1975, as amended, by changing the figure "\$2,000.00" wherever same appears to the figure "\$3,000.00" to conform to Section 41-16-50 Code of Alabama 1975, as heretofore amended.

By Senator Holmes:

S. 321. To propose an amendment to the Constitution of Alabama of 1901, to authorize the county governing body and the governing body of any municipality in Calhoun County to appropriate public funds to any nonprofit charity and to provide that the provisions of this amendment shall be self-executing.

## BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., S. B. 107, adopted.

Yeas 18; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Hand     | Menton    |     |
| Bedsole   | deGraffenried | Hilliard | Pruitt    |     |
| Bennett   | Denton        | Holmes   | Sanders   |     |
| Bishop    | Foshee        | Langford | Smith (J) |     |
| Cabaniss  | Goodwin       | Manley   |           | —18 |

Nays: —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 107. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase, grant or condemnation, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

was taken up.

On motion of Senator Bishop, further consideration of the Bill, S. B. 107, was postponed subject to the call of the Chair.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 100. To amend §§16-25-14(a) and 36-27-16(a), Code of Alabama 1975, to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system or the employees' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

Also:

S. 188. To amend Section 8-17-82, Code of Alabama 1975, which relates to the labeling requirements for certain containers of certain petroleum products so as to provide further for the labeling of containers and pumps from which certain petroleum products are sold or dispensed.

Also:

S. 189. To amend Section 40-17-132, Code of Alabama 1975, relating to reduction of rate of taxation on gasohol, so as to reduce further the amount of excise tax on gasohol so that the reduced rate will expire on December 31, 1988; and to repeal, effective December 31, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, relating to such reduced rate of taxation on gasohol.

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Also:

S. 291. To propose a constitutional amendment amending Section 6 and deleting Section 16 of Constitutional Amendment 465 so as to provide that the Port Authority established by the City of Jackson shall only maintain offices within said city, that certain powers shall be granted and enforceable only within the City of Jackson and the police jurisdiction of said city and to remove the prohibition against the subsequent incorporation of another corporation within the county.

JIM SMITH,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 137. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the eighteenth legislative day of the 1987 Regular Session only; provided however, that pursuant to rule 21 of the Senate rules this resolution shall constitute a special rule that debate on any measure listed in the following order of business shall cease after the expiration of ten minutes of debate and a vote shall then be taken on said hereinafter listed measure:

| BILL NO. | DESCRIPTION                                                                        | PAGE NO. |
|----------|------------------------------------------------------------------------------------|----------|
| S. 56    | Drugs, sales or use in schools or educational facilities prohib., add'l. penalties | 92       |

**MOTION TO RECESS LOST**

At 4:13 P.M., Senator Hilliard moved that the Senate take a recess for five minutes, which motion was lost.

Yeas 8; Nays 20.

Yeas:

|           |         |          |         |
|-----------|---------|----------|---------|
| Senators: | Figures | Hilliard | Parsons |
| Amari     | Goodwin | Langford | Sanders |
| Corbett   |         |          |         |

*Nays:*

|               |          |        |           |
|---------------|----------|--------|-----------|
| Senators:     | Denton   | Hand   | Mitchem   |
| Bailey        | Dial     | Holmes | Preuitt   |
| Bedsole       | Drinkard | Horn   | Rice      |
| Cabaniss      | Foshee   | Manley | Smith (B) |
| Campbell      | Hale     | Menton | Smith (J) |
| deGraffenried |          |        |           |

—20

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 181. Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County; and repealing conflicting laws or parts of laws.

Also:

H. 183. Relating to Morgan County; relating to the process of service and its methods by the courts and collection of fees, as provided by law, by the sheriff or his deputy.

Also:

H. 185. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 186. Relating to Lauderdale County; abolishing the office of constable in such county.

Also:

H. 277. Relating to St. Clair County; providing further for the county superintendent of education expense allowance.

Also:

H. 385. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley, in Baldwin County.

Also:

H. 433. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court for Bibb County.

Also:

H. 554. Relating to St. Clair County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing



for the disposition of the proceeds of such taxes; and repealing conflicting laws.

Also:

H. 555. Relating to St. Clair County; to provide for additional expense allowances for certain county officials and expiration date therefor and providing for a certain monthly salary for certain county officials to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for said officials.

Also:

H. 348. To amend Article VI, of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, to provide a delayed retirement benefit for employees of the Jefferson County Board of Health who have ten years of service. To provide for actuarial reports of the costs of such benefit, to provide an effective date, to provide for the payment of the cost of said benefit, and to provide for related matters.

Also:

H. 399. Relating to Sumter County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Sumter County legislative delegation.

Also:

H. 405. Relating to Morgan County; to levy an additional filing fee in all cases filed in the probate, district or circuit courts of the county to be deposited in the Morgan County Law Library Fund.

Also:

H. 480. Relating to Morgan County, to amend Act No. 80-597, H. 1141 of the 1980 Regular Session (Acts of 1980, p. 1011), as amended, relating to the distribution of certain gasoline taxes, so as to remove the expiration date.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF S. R. 137**

The Senate proceeded to further consideration of the Resolution, S. R. 137.

Senator Figures requested a division of the questions included in said Resolution: (1) consideration of the Bill, S. B. 56, listed in said Resolution,

and (2) the time limit on debate, as set out in the second portion of the Resolution.

The President and Presiding Officer of the Senate ruled in favor of said request for a division.

Senator Amari offered the following substitute No. 1 for the Resolution, S. R. 137, to-wit:

### SUBSTITUTE NO. 1 FOR S. R. 137

#### S. R. 137. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the eighteenth legislative day of the 1987 Regular Session only; provided however, that pursuant to Rule 21 of the Senate rules this resolution shall constitute a special rule that debate on any measure listed in the following order of business shall cease after the expiration of ten minutes of debate and a vote shall then be taken on said hereinafter listed measure:

| BILL NO.  | DESCRIPTION      | PAGE NO. |
|-----------|------------------|----------|
| H. B. 346 | Parental Consent | 94       |

On motion of Senator Smith (J), said substitute was laid on the table.

Yeas 23; Nays 10.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Campbell      | Ellis  | Menton    |
| Bailey    | deGraffenried | Foshee | Mitchem   |
| Barron    | Denton        | Hand   | Preuitt   |
| Bedsole   | Dial          | Holmes | Rice      |
| Bishop    | Dixon         | Horn   | Smith (B) |
| Cabaniss  | Drinkard      | Manley | Smith (J) |
|           |               |        | —23       |

*Nays:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Bennett   | Figures  | Parsons |
| Amari     | Corbett   | Goodwin  | Sanders |
| Bedford   | Covington | Langford |         |
|           |           |          | —10     |

Senator Amari then offered the following substitute No. 2 for the Resolution, S. R. 137, to-wit:

### SUBSTITUTE NO. 2 FOR S. R. 137

#### S. R. 137. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighteenth legislative day of the 1987 Regular Session only:

| BILL NO. | DESCRIPTION                                                               | PAGE NO. |
|----------|---------------------------------------------------------------------------|----------|
| S. 485   | Alabama Music Hall of Fame Bd., auth. to issue bonds, Sec. 41-9-682 am'd. | 103      |
| S. 486   | Alabama Music Hall of Fame Board, auth. to issue bonds, const. amend.     | 103      |

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|        |                                                                                                                                                                 |    |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| S. 351 | Teachers Retirement System, city and county superintendents of education eligible to participate as legislature determines, Const. 1901, ART IV, Sec 98 amended | 65 |
| S. 352 | Teachers' Retirement System, any elected supt. of ed., auth. to join                                                                                            | 64 |
| S. 148 | Counties and muns., auth. to provide tax increment financing for revitalization, consti. amend.                                                                 | 45 |
| S. 149 | Counties and muns., provide for tax increment financing for revitalizations                                                                                     | 45 |
| S. 207 | Certificate of qualification for license to practice medicine issued to commissioned officer of medical corps, Section 34-24-75 amended                         | 3  |
| S. 158 | Alabama Peace Officers Hall of Fame Board, estab., powers, duties                                                                                               | 30 |
| S. 302 | Notifiable diseases, state board of health duties                                                                                                               | 51 |
| S. 107 | Aeronautics Dept., power of eminent domain around airports auth.                                                                                                | 39 |
| S. 56  | Drugs, sales or use in schools or educational facilities prohib., add'l. penalties                                                                              | 92 |
| S. 467 | State Council on Arts and Humanities, named changed, Sec. 41-9-41 am'd.                                                                                         | 81 |
| S. 339 | State Agencies. Liquefied Petroleum Gas Bd., powers, duties, authorities, further requirements, creation of bond fund, Sec. 9-17-105 am'd.                      | 30 |

On motion of Senator Smith (J), said substitute was laid on the table.

Yeas 22; Nays 6.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Drinkard | Menton    |     |
| Bailey    | Campbell      | Ellis    | Preuitt   |     |
| Barron    | deGraffenried | Foshee   | Rice      |     |
| Bedsole   | Denton        | Hale     | Smith (B) |     |
| Bennett   | Dial          | Hand     | Smith (J) |     |
| Bishop    | Dixon         | Holmes   |           | —22 |

*Nays:*

|           |           |          |         |    |
|-----------|-----------|----------|---------|----|
| Senators: | Corbett   | Goodwin  | Sanders |    |
| Amari     | Covington | Hilliard |         | —6 |

And on motion of Senator Smith (J), the first question contained in the Resolution, S. R. 137, relative to the Bill contained therein, was adopted by the Senate.

Yeas 22; Nays 10.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | deGraffenried | Foshee | Menton    |     |
| Barron    | Denton        | Hale   | Preuitt   |     |
| Bedsole   | Dial          | Hand   | Rice      |     |
| Bishop    | Dixon         | Holmes | Smith (B) |     |
| Cabaniss  | Drinkard      | Horn   | Smith (J) |     |
| Campbell  | Ellis         | Manley |           | —22 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Bennett   | Figures  | Langford |     |
| Amari     | Corbett   | Goodwin  | Sanders  |     |
| Bedford   | Covington | Hilliard |          | —10 |

The Senate then proceeded to consideration of the second question contained in the Resolution, S. R. 137, relative to time limit on debate, and, at 5:30 P.M., the President and Presiding Officer stated that he would allow 30 minutes of debate on this question.

At 6:00 P.M., on motion of Senator Smith (J), the second question contained in said Resolution, S. R. 137, relative to time limit on debate, was adopted by the Senate.

Yeas 23; Nays 11.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Campbell      | Ellis  | Menton    |     |
| Bailey    | deGraffenried | Foshee | Mitchem   |     |
| Barron    | Denton        | Hale   | Preuitt   |     |
| Bedsole   | Dial          | Hand   | Rice      |     |
| Bishop    | Dixon         | Horn   | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley | Smith (J) | —23 |

*Nays:*

|           |           |          |          |     |
|-----------|-----------|----------|----------|-----|
| Senators: | Bennett   | Figures  | Langford |     |
| Amari     | Corbett   | Goodwin  | Parsons  |     |
| Bedford   | Covington | Hilliard | Sanders  | —11 |

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the House Joint Resolution:

**H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.**

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 287, without the Governor's signature and with a suggested Executive Amendment.

Respectfully submitted,  
JOHN E. GRENIER,  
Executive Secretary.

DONE this 16th day of June, 1987.

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 287, without my approval and with the following suggested Executive Amendment:

**EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NO. 287:**

On page 1, following the word "diem" on line 23 and before the word "during" on line 24, delete the following language:

~~only five days a week during each week of the session~~

In lieu of the above deleted language, substitute the following language:

for each legislative day that the Legislature actually meets

On page 1, line 25, following the word "session." and before the word "Each", insert the following language:

In addition, each member of the Legislature shall be entitled to and shall be paid forty dollars (\$40) for one additional day during each week of any regular session, special session, or organizational session as per diem expenses for committee work.

On page 2, line 26, following the word "in" and before the word "the", delete the following language:

~~lieu of~~

In lieu of the above deleted language, substitute the following language:

addition to

On page 2, following the word "officers" on line 27 and before the word "as" on line 28, delete the following language:

~~unless he is an elected member of the Legislature~~

The adoption of the above suggested amendment will remove my objections to the resolution.

Respectfully,

GUY HUNT,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, H. J. R. 287, by a vote of a majority of those voting, said vote being:

Yeas 96, Nays 3.

And said Resolution, H. J. R. 287, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

Senator Manley moved that the Senate non-concur in the amendment proposed by His Excellency, the Governor, to the Resolution:

H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.

which said Executive amendment is set out in the foregoing Message from the House.

Senator Cabaniss offered a substitute motion that the Senate concur, which motion was adopted, and the Senate concurred in the Executive amendment to the Resolution, H. J. R. 287.

Yeas 22; Nays 11.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Campbell      | Foshee | Mitchem   |     |
| Bailey    | Covington     | Hale   | Preuitt   |     |
| Barron    | deGraffenried | Hand   | Rice      |     |
| Bedsole   | Denton        | Horn   | Smith (B) |     |
| Bishop    | Drinkard      | Manley | Smith (J) |     |
| Cabaniss  | Ellis         | Menton |           | —22 |

*Nays:*

|           |         |          |          |     |
|-----------|---------|----------|----------|-----|
| Senators: | Corbett | Goodwin  | Langford |     |
| Amari     | Dixon   | Hilliard | Parsons  |     |
| Bennett   | Figures | Holmes   | Sanders  | —11 |

which was a majority of the whole number elected to the Senate.

### RECESS

At 7:15 P.M., Senator Smith (J) moved that the Senate take a recess until 8:15 this evening.

Senator Hilliard offered a substitute motion that the Senate adjourn until Thursday, June 18, 1987, at 10:30 A.M., which motion was lost.

Yeas 12; Nays 18.

*Yeas:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Corbett   | Foshee   | Mitchem |
| Amari     | Covington | Hilliard | Parsons |
| Bennett   | Figures   | Langford | Sanders |
| Campbell  |           |          |         |

—12

*Nays:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Cabaniss      | Ellis   | Menton    |
| Bailey    | deGraffenried | Goodwin | Preuitt   |
| Barron    | Denton        | Hand    | Smith (B) |
| Bedsole   | Dial          | Holmes  | Smith (J) |
| Bishop    | Drinkard      | Manley  |           |

—18

The question recurred on the recess motion of Senator Smith (J).

Senator Parsons offered a substitute motion that the Senate adjourn until Thursday, June 18, 1987, at 10:29 A.M., which motion was lost.

The question again recurred on the motion of Senator Smith (J), which was adopted, and at 7:19 P.M., the Senate took a recess for one hour.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 209. To amend Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, private and parochial schools, the Alabama Institute for Deaf and Blind, Department of Youth Services School District and all other public institutions of higher learning shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975.

The Standing Committee on Education reported the following substitute for the Bill, H. B. 209, to-wit:

### SUBSTITUTE FOR H. B. 209

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 40-17-31 and 40-17-171, Code of Alabama 1975, which levy a gasoline tax, so as to provide an exemption for gasoline purchased by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 40-17-31 and 40-17-171, Code of Alabama 1975, are hereby amended to read as follows:

“§ 40-17-31.

“(a) Every distributor, refiner, retail dealer, storer or user of gasoline shall collect and pay over to the state department of revenue an excise tax of \$.07 per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use of gasoline as defined or otherwise referred to in this article, except gasoline sold for use as fuel to propel aircraft and which gasoline is subject to the tax imposed in subsection (d) of this section; and except gasoline sold for use by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District; provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline shall have been paid to the state by a distributor, refiner or by any retail dealer, storer or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

“(b) The state department of revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the department for use by the United States in purchasing gasoline or other fuels taxed by this section within the state of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the department may deduct the number of gallons of gasoline or other fuels taxed by this section sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report, and the department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

“(c) The revenue, less the cost of collection and all refunds authorized by law, obtained from the \$.07 excise tax on gasoline, naphtha and other liquid motor fuels, or any device or substitute therefor commonly used in internal combustion engines, as is provided for in this section, shall not be used for any purposes other than the following, namely:

“(1) The legislature hereby finds as a fact that of all the gasoline sold in this state not less than thirty-five one hundredths of one percent thereof is used for marine purposes to propel vessels on inland and coastal waterways of this state. The legislature hereby declares that it is the policy of this state to use the funds derived from the sale of marine gasoline to improve boating and boating facilities, seafoods and salt water sports fishing in this state. Thirty-five one hundredths of one percent of all state imposed taxes collected on the sale of gasoline (except gasoline and other fuels consumed in airplanes) shall be credited as follows: 60 percent to the state water safety fund of the water safety division and 40 percent to the seafood fund of the seafood division.

“(2) The revenue arising from the sale of gasoline as herein defined, except gasoline sold for use as fuel to propel aircraft and which gasoline is subject to the tax imposed in subsection (d) of this section, for all other purposes shall not be used for any purpose other than for the construction, improvement, maintenance and supervision of highways, bridges and streets, including the retirement of bonds for the payment of which such revenues have been or may hereafter be pledged. The payment of the per diem and



mileage of members of county governing bodies when engaged in supervising the construction, improvement and maintenance of highways, bridges and streets, shall be construed as used in supervision; however, the governing body of each county is authorized to expend an amount not to exceed one third of the total amount of such revenue that may be received by such county in the payment of any debt that may have been incurred by such county for the construction or maintenance of roads or bridges. This fund shall be allocated in the manner now provided by law. On the twentieth day of each month following that quarter of any fiscal year, all revenue derived from the sale of gasoline to be consumed in the motor of a boat or vessel as defined in subdivision (1) of this subsection shall be allocated to the state water safety fund and seafood fund.

“(d)(1) Every distributor, refiner, retail dealer, storer or user of gasoline or any substitute or device therefor sold for use as a fuel to propel aircraft shall collect and pay over to the state department of revenue as excise tax in accordance with the following schedule upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for use as a fuel to propel aircraft:

“a. Gasoline or other fuel used to propel aircraft powered by reciprocating engines shall be taxed at the rate of two and seven tenths cents per gallon.

“b. Any fuel used to propel aircraft powered by jet or turbine engines shall be taxed at the rate of nine tenths of one cent per gallon.

“(2) On July 31, 1977, or as soon thereafter as practicable, and at the same time in every year thereafter, the commissioner of revenue shall determine the total number of gallons of fuel upon which the tax levied in subdivision (1) of this subsection has been reported and paid to the state during the preceding 12-month period, and at the same time he shall ascertain the total net amount of revenue produced by the tax levied thereon. If the net proceeds of the tax for such period amount to more than \$650,000.00, the rate of tax shall be reduced in decrements of three tenths of one cent per gallon with respect to the tax levied in paragraph a of subdivision (1) of this subsection and in decrements of one tenth of one cent per gallon with respect to the tax levied in paragraph b of subdivision (1) of this subsection to the extent required to maintain net collections for such period at a level of \$600,000.00. If at any time after such a reduction the rate of tax collections declines to the extent that the \$600,000.00 level for a similar 12-month period cannot be maintained, the rate of the tax shall be correspondingly increased in increments of three tenths of one cent per gallon with respect to the tax levied in paragraph a of subdivision (1) of this subsection and increments of one tenth of one cent per gallon with respect to the tax levied in paragraph b of subdivision (1) of this subsection to the extent required to maintain net collections for a similar period at a level of \$600,000.00. It is the legislative intent by the above provisions to maintain collections at a \$600,000.00 level per annum.

“(3) The revenue, less the cost of collection, obtained from the tax levied in subdivision (1) of this subsection shall be paid into the state treasury and be used exclusively for the purpose of paying the cost of acquiring, engineering, construction, improvement and maintenance of existing or proposed airports and other air navigation facilities within the state, for the payment of the salary of the state director of aeronautics, the salaries of other employees of the Alabama department of aeronautics and for the payment of other administrative and aeronautical expenses of the Alabama department of aeronautics and for the further purpose of creating

a sinking fund for the payment of the interest and retirement of the principal of all bonds which may be hereafter lawfully issued, sold and delivered for funds to be used exclusively for the enumerated purposes.

“(4) There is hereby exempted from the provisions of subdivision (1) of this subsection and from the excise tax imposed by this section the sale, use or consumption, distribution, storage or withdrawal from storage in this state of gasoline or any other fuel for use as a fuel to propel aircraft of a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words “hub operation within this state” shall be construed to have all of the following criteria:

“a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

“b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

“(e) Every distributor, refiner, retail dealer or storer of gasoline or other fuels taxed by this section shall add the amount of the excise tax levied and assessed herein to the price of the gasoline or other fuels taxed by this section, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with distributor, refiner, retail dealer or storer, or in the case of a licensed user, acting merely as an agent of the state for the collection and payment of the tax to the state.”

“§ 40-17-171.

“Every distributor, manufacturer, retail dealer or storer of lubricating oil, as herein defined, shall pay an excise tax of \$.02 per gallon upon the selling, distributing or withdrawing from storage in this state for any use lubricating oil as herein defined; provided, that this excise tax shall neither be levied upon the sale of lubricating oil in interstate commerce nor upon any sale of lubricating oil destined for out-of-state use which is transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a distributor's plant within this state and transports it out-of-state; and provided further that this excise tax shall not be levied on lubricating oil sold to city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District; and provided further, that where the excise tax of \$.02 per gallon upon the sale of such lubricating oil shall have been paid by a distributor, manufacturer, retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but one time by any person so liable. The state department of revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the department, for use by the United States in purchasing lubricating oil within the state of Alabama and which is paid for by the United States. Any person in reporting and paying said tax to the department may deduct the number of gallons of lubricating oil so sold to the United States, as shown by such certificates of exemption duly executed by the United States and filed with such report; and the department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 15; Nays 0.

Yeas:

|           |               |          |           |      |
|-----------|---------------|----------|-----------|------|
| Senators: | Covington     | Drinkard | Manley    |      |
| Bailey    | deGraffenried | Goodwin  | Menton    |      |
| Cabaniss  | Denton        | Hale     | Smith (B) |      |
| Campbell  | Dial          | Holmes   | Smith (J) | — 15 |

Nays: — 0

(The President and Presiding Officer declared that there was a quorum present but not voting.)

On motion of Senator Manley, further consideration of the Bill, H. B. 209, as amended by the substitute, was postponed subject to the call of the Chair.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 213. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY WITH RESPECT TO OIL AND GAS DEVELOPMENT ACTIVITIES IN ALABAMA'S COASTAL WATERS.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 404. Relating to Washington County; to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35, Section 20-2-93, and Title 28 of the Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 141. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the

boards of education; establishes requirements of reporting; and exempts such entities from payment of certain taxes.

JOHN W. PEMBERTON,  
Clerk.

### BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., S. B. 56, adopted.

Yeas 18; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Ellis   | Manley    |     |
| Amari     | deGraffenried | Foshee  | Menton    |     |
| Bailey    | Denton        | Goodwin | Smith (B) |     |
| Cabaniss  | Dial          | Hale    | Smith (J) |     |
| Campbell  | Drinkard      | Holmes  |           | —18 |

*Nays:*

—0

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 56. To prescribe an additional criminal penalty for the sale, use, or distribution or the attempted sale or distribution of controlled substances in public or private schools in this state, or on the grounds of, or in the facilities of, any such school.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 56, to-wit:

#### SUBSTITUTE FOR S. B. 56

#### A BILL TO BE ENTITLED AN ACT

Relating to controlled substances; prescribing certain additional penalties for any person convicted of an unlawful sale of a controlled substance on the campus or within a certain radius of the campus boundaries of any private or public school, college, university or other educational institution in this state.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to any penalties heretofore or hereafter provided by law for any person convicted of an unlawful sale of a controlled substance, there is hereby imposed a penalty of five years incarceration in a state corrections facility with no provision for probation if the situs of such unlawful sale was on the campus or within a one-mile radius of the campus boundaries of any public or private school, college, university or other educational institution in this state.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Ellis   | Manley    |     |
| Amari     | deGraffenried | Foshee  | Menton    |     |
| Bailey    | Denton        | Goodwin | Smith (B) |     |
| Cabaniss  | Dial          | Hale    | Smith (J) |     |
| Campbell  | Drinkard      | Holmes  |           | —18 |

*Nays:* —0

And said Bill, S. B. 56, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | deGraffenried | Foshee  | Manley    |     |
| Bailey    | Denton        | Goodwin | Menton    |     |
| Cabaniss  | Dial          | Hale    | Smith (B) |     |
| Campbell  | Drinkard      | Holmes  | Smith (J) |     |
| Covington | Ellis         | Horn    |           | —18 |

*Nays:* —0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 138. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the eighteenth legislative day of the 1987 Regular Session only:

| <u>BILL NO.</u> | <u>DESCRIPTION</u>                                                                                                                   | <u>PAGE NO.</u> |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| S. 485          | Alabama Music Hall of Fame Bd., auth. to issue bonds, Sec. 41-9-682 am'd.                                                            | 103             |
| S. 486          | Alabama Music Hall of Fame Board, auth. to issue bonds, const. amend.                                                                | 103             |
| S. 375          | Motor vehicles, trucks, trailers, and semi-trailers, license period extended to 5 yrs., option of fleet owners, Sec. 40-12-252 am'd. | 40              |
| S. 476          | Agriculture and Industries Department, issue arrest citations for livestock sanitary and disease control laws, violations            | 124             |

|        |                                                                                                                                                       |     |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| S. 454 | Teachers and Employees retirement system, reopen for purchase of nonmembership service                                                                | 111 |
| S. 148 | Counties and muns., auth. to provide tax increment financing for revitalization, consti. amend.                                                       | 45  |
| S. 149 | Counties and muns., provide for tax increment financing for revitalizations                                                                           | 45  |
| H. 194 | Single Member Districts                                                                                                                               | 104 |
| S. 233 | Not-for-profit corporations that are exempt from income taxation, civil immunity for officers and trustees                                            | 72  |
| S. 207 | Certificate of qualification for license to practice medicine issued to commissioned officer of medical corps, Section 34-24-75 amended               | 3   |
| S. 251 | Crime of rape, exempt. of spouse from def. removed, Sec. 13A-6-60 am'd.                                                                               | 120 |
| S. 158 | Alabama Peace Officers Hall of Fame Board, estab., powers, duties                                                                                     | 30  |
| S. 289 | Records management and preservation, local gov't. records commission estab., Sec. 41-13-5 thru 41-13-22, 41-13-25 am'd.                               | 30  |
| S. 107 | Aeronautics Dept., power of eminent domain around airports auth.                                                                                      | 39  |
| S. 296 | Teachers' Retirement System, cert. employees of st. jr. colleges, auth. to purchase prior service credit                                              | 55  |
| S. 259 | Insurance, continuing education requirements for salespersons, Sec. 27-3-27 am'd.                                                                     | 48  |
| H. 207 | Appropriations, to La., Miss., and Al., rapid rail transit comm. to est. rail passenger service between Birmingham, Montg., and Mobile, general fund. | 102 |
| S. 236 | Littering, crime of, cert. types constitute prima facie evidence of crime, Sec. 13A-7-29 am'd.                                                        | 73  |

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 485, adopted.

Yeas 19; Nays 0.

Yeas:

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Ellis   | Horn      |     |
| Amari     | deGraffenried | Foshee  | Manley    |     |
| Bailey    | Denton        | Goodwin | Menton    |     |
| Cabaniss  | Dial          | Hale    | Smith (B) |     |
| Campbell  | Drinkard      | Holmes  | Smith (J) | —19 |

Nays:

—0

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 485. To further amend Section 41-9-682, Code of Alabama 1975, which section provides for the general powers of the Alabama music hall of fame, so as to further authorize the board to constitute a bond authority for the purposes of issuing general obligation bonds for capital outlay purposes, and for the purposes for which it was created; to provide for the circumstances under which the state of Alabama shall make payments on the costs incurred as a result of any such bond issue and to pledge its full faith and credit if necessary; to provide for the operation of such authority, its powers, duties and the allocation of bond proceeds; and to exempt such authority from any taxes of any nature, whether state, local or special.

Senator Denton offered the following substitute for the Bill, S. B. 485, to-wit:

**SUBSTITUTE FOR S. B. 485**

**A BILL  
TO BE ENTITLED  
AN ACT**

To further amend Section 41-9-682, Code of Alabama 1975, which section provides for the general powers of the Alabama music hall of fame, so as to further authorize the board to constitute a bond authority for the purposes of issuing general obligation bonds for capital outlay purposes, and for the purposes for which it was created; to provide for the circumstances under which the state of Alabama shall make payments on the costs incurred as a result of any such bond issue and to pledge its full faith and credit if necessary; to provide for the operation of such authority, its powers, duties and the allocation of bond proceeds; and to exempt such authority from any taxes of any nature, whether state, local or special.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 41-9-682, Code of Alabama 1975, is hereby further amended to read as follows:

“§41-9-682.

“(a) It shall be the function and main purpose of the board to honor those, living or dead, who, by achievement or service, have made outstanding and lasting contributions to music in Alabama or elsewhere. The board may adopt such rules, regulations and bylaws as may be needed to carry out its functions. Also, it may conduct surveys and polls and may appoint such committees and representatives as it may determine necessary or desirable. The board may acquire suitable quarters to be used by the board for the display of busts, statues, plaques, books, papers, pictures and other exhibits relating to music and musicians. construct, install, equip, lease, manage and operate buildings and other facilities consisting of any one or more of the following to be located in Colbert County, Alabama: (i) a music hall of fame and exhibition facility for the display of busts, statues, plaques, books, papers, pictures, computerized figures, memorabilia, records, films, audio tapes, video tapes, compact disks, recordings, pictures and other exhibits relating to music

and musicians, (ii) a library, research and educational center for the collection and documentation of music and for music education and enrichment programs, (iii) an audio-visual auditorium/theatre, (iv) a recording studio, or (v) other facilities necessary or useful in connection with the use of any of the aforesaid facilities, including sites and equipment for any of the aforesaid facilities.

“(b) Pursuant to the constitutional amendment authorizing the creation of the Alabama music hall of fame authority, the members of the Alabama music hall of fame board shall serve ex officio as members of such authority which shall be a public body corporate with all the powers and privileges of a corporation for the purposes of providing for and participating in the management and control of any of its facilities. The authority may acquire, construct, install, equip, lease, manage and operate buildings and other facilities consisting of any one or more of the following to be located in Colbert County, Alabama: (i) a music hall of fame and exhibition facility for the display of busts, statues, plaques, books, papers, pictures, computerized figures, memorabilia, records, films, audio tapes, video tapes, compact disks, recordings, pictures and other exhibits relating to music and musicians, (ii) a library, research and educational center for the collection and documentation of music and for music education and enrichment programs, (iii) an audio-visual auditorium/theatre, (iv) a recording studio, or (v) other facilities necessary or useful in connection with the use of any of the aforesaid facilities, including sites and equipment for any of the aforesaid facilities.

“(c) The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof:

“(1) To adopt, alter and repeal bylaws, not inconsistent with the provisions of this act, for the regulation and conduct of its affairs and business;

“(2) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, maintain, equip and furnish one or more projects, including all real and personal properties which the members of the authority may deem necessary in connection therewith, regardless of whether or not any such projects shall then be in existence;

“(3) To lease to others any or all of its projects and properties and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof;

“(4) To receive and accept, from any source, aid or contributions of money, property, labor or other items of value for furtherance of any of its purposes, subject to any conditions not inconsistent herewith, including, but without limitation to, gifts or grants from any department, agency or instrumentality of the United States of America;

“(5) To procure such insurance and guarantees as the members of the authority may deem advisable, including, but without limitation to, insurance or guarantees against any loss in connection with any of its projects, property or assets and for payment of any bonds or other obligations issued by the board, in such amounts and from such public or private entities, as it may deem advisable, and to pay premiums or other charges for any such insurance or guarantees.

“(6) To borrow money and to sell and issue its bonds for any authority function, use or purpose;

“(7) To mortgage, pledge, assign or grant security interests in any or all of its projects and properties or any part or parts thereof, as security for



the payment of the principal of and interest on any bonds issued by the board, or as security for any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues from which said bonds are payable as security for the payment of the principal of and interest on said bonds and any agreements made in connection therewith;

"(8) To appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including, but without limitation to, engineers, architects, construction contractors, attorneys, management consultants, and fiscal advisers, as the business of the authority may require;

"(9) To invest any funds of the authority that the members of the authority may determine are not presently needed for any of its corporate purposes in obligations of the United States of America and interest-bearing bank and savings and loan association deposits and in any investments eligible under then applicable law for the investment of trust funds by fiduciaries, or any thereof;

"(10) To enter into a management agreement or agreements with any person or firm for the management by said person or firm for the authority of any of its projects and properties upon such terms and conditions as may be mutually agreeable;

"(11) To sell, exchange, donate and convey any or all of its projects, properties and assets whenever its members shall find any such action to be in furtherance of the purposes for which the authority was created; and

"(12) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was created or to exercise any power expressly granted hereunder.

"(d) All revenue bonds issued by the board shall be payable solely out of the revenues and other receipts of the board as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued.

"(e) The principal of and interest on the bonds issued by the board shall be secured by a pledge of the revenues and other receipts out of which the same may be payable and may be secured by a trust indenture evidencing such pledge or by a foreclosable mortgage and deed of trust conveying as security for such bonds all or any part of the property of the board from which the revenues so pledged may be derived. The resolution under which the bonds are authorized to be issued or any such trust indenture or mortgage may contain any agreements and provisions respecting the maintenance and insurance of the property covered by such trust indenture or mortgage, the use of the revenues subject to such trust indenture or mortgage, the creation and maintenance of special funds from such revenues, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the authority shall deem advisable and which are not in conflict with the provisions of this act.

"(f) All bonds issued by the authority shall be signed by its chairman and attested by its secretary; provided, that a facsimile of the signature of any one or more of said officers executing or attesting any such bonds may be printed or otherwise reproduced on any such bonds in lieu of said officer or officers manually signing the same if such bonds are required to be

authenticated by the manual signature of the duly authorized registrar of such bonds, or an authorized officer of such registrar.

“(g) Any such bonds may be executed and delivered by the authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions permitting or restricting redemption of such bonds prior to their maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the authority. Bonds of the authority may be sold at either public or private sale in such manner and at such price or prices and at such times as determined by the authority to be advantageous. The authority may pay all expenses, premiums and commissions which the authority may deem necessary or advantageous in connection with any financing done by it.

“(h) All revenue bonds issued by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of the state or any county or municipality within the state, or a charge on the credit or taxing powers of the state or any county or municipality within the state. Any revenue bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the revenues and other receipts of the authority specified in the proceedings authorizing those bonds.

“(i) All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorized, including, without limitation to, the establishment of reserve funds as security for the payment of the principal of (and premium, if any) and interest on the bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (i) the fiscal, consulting, legal and other expenses incurred in connection with the issuance of the bonds, (ii) in the case of bonds issued to pay costs of construction, interest on such bonds prior to and during such construction and for not exceeding one year after completion of such construction, and (iii) except in the case of refunding bonds, interest to accrue on such bonds for a period ending not later than two years from their date.

“(j) Any bonds issued by the authority may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purposes of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for such refunding. Any refunding bonds may be sold by the authority at public or private sale at such price or prices as may be determined by it to be most advantageous, or may be exchanged for the bonds or other obligations to be refunded. Any refunding bonds issued by the board shall be issued and may be secured in accordance with the foregoing provisions of this act.

“(k) The authority, its property and income and all bonds issued by the authority, the income from such bonds or from the investment of such income and all conveyances, leases, mortgages and deeds of trust by or to the authority shall be exempt from all taxation of any nature.

“(l) The authority is hereby vested with full authority, except as limited herein, and in the constitution as amended, to provide for the terms of its bonds and to provide for the sale and issuance thereof.

“(m) The full faith and credit of the state of Alabama shall be pledged to pay the principal, interest and premium (if any) of such bonds of the authority only as provided in such amendment or amendments to the Constitution of Alabama of 1901, which amendment or amendments may be adopted and ratified before or after the effective date of this act.

“(n) The provisions of this act shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the Alabama music hall of fame board and for the management and control of displays by such means as may be feasible and agreed upon.”

Section 2. The provisions of this act shall become effective upon the ratification of a constitutional amendment by the qualified electors of this state, creating the said Alabama Music Hall of Fame Authority.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Covington     | Foshee  | Menton    |
| Bailey    | deGraffenried | Goodwin | Parsons   |
| Bedsole   | Denton        | Hale    | Preuitt   |
| Cabaniss  | Dial          | Holmes  | Rice      |
| Campbell  | Drinkard      | Horn    | Smith (J) |
| Corbett   | Ellis         | Manley  |           |

—22

Nays: —0

And said Bill, S. B. 485, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | deGraffenried | Goodwin | Parsons   |
| Bailey    | Denton        | Hale    | Preuitt   |
| Bedsole   | Dial          | Holmes  | Rice      |
| Cabaniss  | Drinkard      | Horn    | Smith (B) |
| Campbell  | Ellis         | Manley  | Smith (J) |
| Covington | Foshee        | Menton  |           |

—22

Nays: —0

## BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 486, adopted.

Yeas 19; Nays 0.

Yeas:

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Ellis   | Horn      |     |
| Amari     | deGraffenried | Foshee  | Menton    |     |
| Bedsole   | Denton        | Goodwin | Preuitt   |     |
| Cabaniss  | Dial          | Hale    | Rice      |     |
| Campbell  | Drinkard      | Holmes  | Smith (J) | —19 |

Nays: —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 486. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to create an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

was taken up.

Senator Denton offered the following substitute for the Bill, S. B. 486, to-wit:

**SUBSTITUTE FOR S. B. 486**

**A BILL  
TO BE ENTITLED  
AN ACT**

To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, relating to the Alabama music hall of fame board is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended:

**PROPOSED AMENDMENT**

**I**

Any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, the Alabama Music Hall of Fame Authority (hereinafter described) is fully authorized and empowered to sell and issue its interest bearing bonds, which shall be and constitute general obligations of the state, in an aggregate principal amount not exceeding \$2,500,000. The expenses incurred in the sale and issuance of said bonds shall be paid by the authority out of the proceeds derived from the sale thereof. The proceeds of said bonds remaining after payment of said expenses shall be turned over to the state treasurer, shall be carried in a special account of the state treasury to the credit of the authority, and shall be subject to be drawn on solely by the authority for the purposes authorized in this amendment.

As used in this amendment, the following words and phrases shall have the following respective meanings:

“authority” means the Alabama Music Hall of Fame Authority created and established by this amendment.

“board” means (i) the Alabama Music Hall of Fame Board created and established by Sections 41-9-680, et seq., of the Code of Alabama 1975, as amended, or (ii) such other agency of the state which performs substantially the same functions as said board and which is declared by the legislature to be a successor thereto or a replacement thereof.

“state” means the state of Alabama.

The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of said bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such bonds issued pursuant to this amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said bonds and the interest and premium (if any) thereon.

The proceeds of said bonds remaining after payment of the expenses of selling and issuing the same, together with the investment income derived from said proceeds, shall be used for the purpose of providing funds for the acquisition, construction, installation and equipping of buildings and other facilities consisting of any one or more of the following to be located in Colbert County, Alabama: (i) a music hall of fame and exhibition facility for the display of busts, statues, plaques, books, papers, pictures, computerized figures, memorabilia, records, films, audio tapes, video tapes, compact disks, recordings, pictures and other exhibits relating to music and musicians, (ii) a library, research and educational center for the collection and documentation

of music and for music education and enrichment programs, (iii) an audio-visual auditorium/theatre, (iv) a recording studio, or (v) other facilities necessary or useful in connection with the use of any of the aforesaid facilities, including the acquisition of sites and equipment for any of the aforesaid facilities. Said proceeds may also be used to pay any costs and expenses incidental to the aforesaid purposes for which the bonds are authorized, which may include but shall not be limited to interest on such bonds prior to and during construction of the aforesaid facilities to be constructed with said proceeds and for not exceeding one year after completion of construction. The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine which of the aforesaid facilities shall be acquired, constructed, installed or equipped by the authority using the aforesaid proceeds. The plans and specifications for any building or other facility acquired, constructed, installed or equipped with proceeds of said bonds shall be approved solely by the authority.

The authority is also authorized and empowered to sell and issue one or more series of its bonds, which shall be and constitute general obligations of the state, to refund all or any of the bonds authorized by this amendment in such principal amount or amounts (which may exceed the principal amount of the bonds being refunded) and in such manner as may be provided by resolution duly adopted by the authority. The authority is also hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of such refunding bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such refunding bonds issued pursuant to this amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said refunding bonds and the interest and premium (if any) thereon.

All bonds issued by the authority (including refunding bonds) may be sold at public or private sale, with or without competitive bidding, to such person or persons, at such price or prices and upon such terms as the authority shall determine to be in the best interests of the authority and the state. Neither a public hearing nor consent of the state (including any officer, official, department or other agency of the state) shall be a prerequisite to issuance of any bonds by the authority.

Nothing in this amendment or in any other provision of the Constitution of Alabama of 1901, as amended, shall prevent the authority from selling and issuing one or more additional series of its bonds which shall be solely revenue obligations of the authority and which shall not create general obligations or debts of the state.

## II

There is hereby created and established a state agency to be known as the Alabama Music Hall of Fame Authority which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of the aforesaid facilities.

The members of the board, and their respective successors as members thereof shall constitute ex officio all the members of the authority. The chairman, vice chairman, secretary and treasurer of the board shall constitute ex officio the chairman, vice chairman, secretary and treasurer respectively

of the authority. The authority, at its option, may appoint an assistant secretary who need not be a member of the authority. The members of the authority shall constitute the governing body of the authority. The presence of any four members of the authority shall constitute a quorum for the transaction of business. No vacancy in the membership of the authority or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum of the authority to act. Should any member of the authority cease to be a member or officer of the board by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor as a member or officer of the board shall take his place as a member or officer, as the case may be, of the authority.

The authority may adopt such rules, regulations and bylaws as it may determine to be necessary or desirable for the conduct of its duties, powers or functions. The authority is authorized and empowered to use the moneys, services, facilities and employees of the board in carrying out its functions or in furthering the objects or purposes of this amendment. Members and officers of the authority shall be entitled to compensation for their services as may from time to time be provided by resolution duly authorized by the authority and shall be reimbursed for their transportation, travel and other expenses incurred in attending meetings of the authority or the board or otherwise in the performance of their duties as members or officers of the authority. Reasonable compensation and expense allowances for members or officers of the authority may from time to time be altered or provided for by legislative act. No member of the authority shall vote on any matter coming before the authority in which he, his immediate family or any business enterprise with which he is associated has any direct pecuniary interest; provided, however, that when any such matter is brought before the authority, if a member having an interest therein discloses to the authority any direct pecuniary interest he has personally or through family connections or business associations and thereafter withdraws from participation in the decision and vote of the authority with respect to such matter, then such member, his family or any business enterprise with which he is associated shall not be disqualified by the authority in any such matter, including, without limitation, matters involving contracting with individuals or firms to perform professional services. No member, officer or employee of the authority or the board shall be personally liable for any debt, obligation or liability of the authority, the board or the state.

### III

The authority shall be authorized:

- a. To investigate and select an available site for its operations and housing the exhibits, including the surrounding grounds, in cooperation with the community, taking into consideration all pertinent factors affecting the suitability of such site;
- b. To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge any available facility, including providing it with necessary equipment, furnishings, landscaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;
- c. To enter into such contracts and cooperative agreements with the local, state and federal governments, with agencies of such governments, including the Tennessee Valley Authority, with private individuals, corporations, associations and other organizations as it may deem necessary or

convenient to carry out the purposes of this amendment, such contracts and agreements to include leases to private industry;

d. To borrow money from private sources or such other source as may be acceptable to the authority under such terms and conditions as may be provided by resolution duly adopted by the authority and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any other sources as may, from time to time, be necessary or desirable.

e. To issue and sell at any time, and from time to time, its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain any facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable out of the revenues derived from such facility and as otherwise herein provided.

f. To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the authority from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

g. To accept public or private gifts, grants and donations;

h. To acquire property by purchase, lease, gift or license;

i. To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this amendment, and to transfer funds from the board to the authority or from the authority to the board;

j. To sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

k. To perform such other acts necessary or incidental to the accomplishment of the purposes of this amendment, whether or not specifically authorized in this amendment, and not otherwise prohibited by law.

#### IV

In view of the unique character and complexity of the duties and responsibilities imposed on the authority by this amendment, it is hereby specifically provided that the authority shall have, in addition to the power and the authority enumerated in part III of this amendment the right, power and authority to:

a. Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this amendment, said program of promotion and advertising to be conducted by the authority both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by it;

b. Purchase and acquire items of tangible or intangible personal property;

c. Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on



the grounds and facilities operated by the authority, any such lease agreement to be designated so as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the authority.

## V

The authority and the board, the property and income of the authority and the board, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority or the board, and leases, mortgages and deeds of trust or trust indentures by or to the authority or the board shall be exempt from all taxation in the state of Alabama. The authority and the board shall be exempt from all taxes levied by any county, incorporated city or town, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the authority or the board may engage. The authority and the board shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county of the state in respect of the recording of any document.

The authority and the board shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as amended, and the authority and the board shall not be governed by the provisions of Chapter 20 of Title 41 of the Code of Alabama of 1975, as amended (or any successor provisions of law). The authority and the board are arms of the state, existing to carry forth important functions of the state government, and as such they constitute part of the state for purposes of Art. I, Section 14 of the Constitution of 1901, as amended, and the members and officers of the authority and the board are state officers for purposes of said Section 14 of the Constitution whose duties and functions are discretionary in nature. No proceeding, notice or approval shall be required for the issuance of any bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the authority.

The members, the officers and employees of the authority and the board shall not be subject to the provisions of Chapter 25 of Title 36 of the Code of Alabama 1975, as amended, or to the rules and promulgations by the Alabama ethics commission or to Chapter 7 of Title 36 of the Code of Alabama 1975, as amended (or any successor provisions of law). All contracts and leases made by the authority or the board shall be exempt from the laws of the state now or hereafter in effect that require competitive bids, including, but without limitation to, the provisions of Article 3 of Chapter 16 of Title 41 of the Code of Alabama 1975, as amended.

## VI

Any bonds of the authority may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the authority in the resolution or resolutions whereunder the bonds are issued. The principal of

each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the authority under which they are issued, the first of which installments shall mature not later than three years after the date of the bonds of such series and the last of which installments shall mature not later than thirty years after the date of the bonds of the same series.

The bonds shall be signed in the name of the authority by its chairman and the great seal of the state of Alabama, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of the authority; provided that facsimile signatures of said officers may be reproduced on such bonds in lieu of their manually signing the same.

The provisions of this amendment shall be self-executing and no further authorization from the legislature shall be a prerequisite to the validity of any bonds issued hereunder, although the legislature may enact appropriate implementing laws, whether before or after the effective date of this amendment, which are not in conflict herewith.

## VII

The state is authorized to pay from any of its revenues of whatsoever nature and make available to the authority at any time and from time to time such sums as the authority determines are necessary for the prompt and faithful payment of the principal, the interest and premium (if any) on the bonds of the authority in the event the authority determines that appropriations by the legislature and other revenues of the authority (including bond proceeds) remaining after the payment of operating and other expenses are insufficient for the payment of said principal, interest and premium.

## VIII

The provisions of this amendment shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the authority and the board and for the management and control of displays by such means as may be determined to be feasible and agreed upon by the authority and the board.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this amendment as required by law.

Which was adopted.

REGULAR SESSION  
18th Day

961

Yeas 19; Nays 0.

*Yeas:*

|               |          |         |           |     |
|---------------|----------|---------|-----------|-----|
| Senators:     | Denton   | Goodwin | Menton    |     |
| Amari         | Dial     | Hale    | Preuitt   |     |
| Cabaniss      | Drinkard | Holmes  | Rice      |     |
| Covington     | Ellis    | Horn    | Smith (B) |     |
| deGraffenried | Foshee   | Manley  | Smith (J) | —19 |

*Nays:* —0

Senator Parsons offered the following amendment to the Bill, S. B. 486, as amended by the substitute, to-wit:

**AMENDMENT TO S. B. 486, AS AMENDED**

Amend Senate Bill No. 486, Page 2, Line 32, by inserting after the figures \$2,500,000, "provided such bonds shall be issued pursuant to public competitive bids."

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Dial     | Hale   | Parsons   |     |
| Bailey        | Drinkard | Holmes | Preuitt   |     |
| Cabaniss      | Ellis    | Horn   | Rice      |     |
| Campbell      | Foshee   | Manley | Smith (B) |     |
| deGraffenried | Goodwin  | Menton | Smith (J) |     |
| Denton        |          |        |           | —20 |

*Nays:* —0

And said Bill, S. B. 486, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | deGraffenried | Goodwin | Mitchem   |     |
| Amari     | Denton        | Hale    | Parsons   |     |
| Barron    | Dial          | Hand    | Preuitt   |     |
| Bedsole   | Drinkard      | Holmes  | Rice      |     |
| Cabaniss  | Ellis         | Horn    | Smith (B) |     |
| Campbell  | Figures       | Manley  | Smith (J) |     |
| Covington | Foshee        | Menton  |           | —26 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Rice, B. I. R., S. B. 375, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Covington     | Goodwin | Mitchem   |
| Amari     | deGraffenried | Hale    | Preuitt   |
| Bailey    | Denton        | Hand    | Rice      |
| Barron    | Dial          | Holmes  | Sanders   |
| Bedsole   | Drinkard      | Horn    | Smith (B) |
| Cabaniss  | Ellis         | Menton  | Smith (J) |
| Campbell  | Foshee        |         |           |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 375. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for trailers and semitrailers, so as to authorize a five-year registration option for certain of these.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Covington     | Hale   | Mitchem   |
| Bailey    | deGraffenried | Hand   | Preuitt   |
| Barron    | Denton        | Holmes | Rice      |
| Bedsole   | Dial          | Horn   | Sanders   |
| Cabaniss  | Drinkard      | Manley | Smith (B) |
| Campbell  | Ellis         | Menton | Smith (J) |
| Corbett   | Goodwin       |        |           |

—25

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell, B. I. R., S. B. 476, adopted.

Yeas 20; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | deGraffenried | Goodwin | Menton    |
| Barron    | Denton        | Hale    | Mitchem   |
| Bedsole   | Dial          | Hand    | Preuitt   |
| Cabaniss  | Drinkard      | Horn    | Smith (B) |
| Campbell  | Ellis         | Manley  | Smith (J) |
| Covington |               |         |           |

—20

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 476. To authorize the issuance of a summons or notice by livestock theft investigators for misdemeanor violations of livestock sanitary and

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disease control laws and regulations or any other laws and regulations governing the handling, movement or sale of livestock; to provide for the immediate taking into custody of persons who refuse to sign the summons or notice or to give their name and address; to provide that one who willfully fails to appear at the time and place specified in the summons commits the crime of bail jumping in the second degree.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Goodwin | Menton    |     |
| Bailey    | Covington     | Hale    | Mitchem   |     |
| Barron    | deGraffenried | Hand    | Preuitt   |     |
| Bedsole   | Dial          | Holmes  | Sanders   |     |
| Cabaniss  | Drinkard      | Horn    | Smith (B) |     |
| Campbell  | Ellis         | Manley  |           | —22 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Horn, B. I. R., S. B. 454, adopted.

Yeas 22; Nays 0.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Covington     | Hale   | Mitchem   |     |
| Bailey    | deGraffenried | Hand   | Preuitt   |     |
| Barron    | Denton        | Holmes | Sanders   |     |
| Bedsole   | Dial          | Horn   | Smith (B) |     |
| Cabaniss  | Ellis         | Manley | Smith (J) |     |
| Campbell  | Goodwin       | Menton |           | —22 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 454. To reopen the Teachers' and Employees' Retirement Systems of Alabama for nonmembership service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, and to provide that this act shall take effect October 1, 1987, and to provide for its termination on October 1, 1988.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Corbett       | Hale   | Menton    |     |
| Bailey    | deGraffenried | Hand   | Mitchem   |     |
| Barron    | Denton        | Holmes | Preuitt   |     |
| Bedsole   | Dial          | Horn   | Smith (B) |     |
| Cabaniss  | Ellis         | Manley | Smith (J) |     |
| Campbell  | Goodwin       |        |           | —21 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Goodwin, B. I. R., S. B. 148, adopted.

Yeas 21; Nays 0.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Covington     | Hale   | Menton    |
| Amari     | deGraffenried | Hand   | Mitchem   |
| Barron    | Denton        | Holmes | Preuitt   |
| Bedsole   | Dial          | Horn   | Sanders   |
| Cabaniss  | Ellis         | Manley | Smith (B) |
| Campbell  | Goodwin       |        |           |

—21

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 148. To propose an amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district; to exempt the municipality or county from the provisions of Section 94 of the Constitution with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes; to ratify and approve legislation adopted in furtherance of the powers hereby conferred; and to provide for the adoption hereof.

was taken up.

On motion of Senator Goodwin, further consideration of the Bill, S. B. 148, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Goodwin, B. I. R., S. B. 149, adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |         |         |
|-----------|---------------|---------|---------|
| Senators: | deGraffenried | Goodwin | Manley  |
| Barron    | Denton        | Hale    | Menton  |
| Cabaniss  | Dial          | Hand    | Mitchem |
| Campbell  | Drinkard      | Holmes  | Preuitt |
| Covington | Ellis         | Horn    | Sanders |

—19

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 149. To provide for the redevelopment and revitalization of municipalities and counties in this state and funding the costs thereof through

tax increment financing; to authorize the creation of tax increment districts and the adoption of project plans with respect thereto and establish the procedures and requirements therefor; to establish procedures for determining the tax increment and the tax increment base; to permit the amendment of project plans; to provide for allocation of tax increments for such districts to the municipality or county that created the district and for the expiration of such allocations; to provide for the termination of such tax increment districts; to prescribe sources for paying project costs within such districts; to authorize indebtedness to be incurred for such costs, payable from such tax increments, and which may or may not be additionally secured by the full faith and credit of the issuer and other liens or covenants; to permit pay-as-you-go funding of projects; to permit overlapping districts; to provide for calculating the equalized assessment of taxable property within such districts and to permit withholding of tax increments to satisfy prior binding commitments.

was taken up.

On motion of Senator Goodwin, further consideration of the Bill, S. B. 149, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., H. B. 194, adopted.

Yeas 20; Nays 0.

Yeas:

|               |          |        |           |
|---------------|----------|--------|-----------|
| Senators:     | Denton   | Hale   | Menton    |
| Amari         | Drinkard | Hand   | Mitchem   |
| Barron        | Ellis    | Holmes | Preuitt   |
| Cabaniss      | Foshee   | Horn   | Sanders   |
| Campbell      | Goodwin  | Manley | Smith (J) |
| deGraffenried |          |        |           |

—20

Nays: —0

### BILLS ON THIRD READING RESUMED

THE BILL:

H. 194. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Corbett       | Foshee  | Manley    |
| Amari     | Covington     | Goodwin | Menton    |
| Barron    | deGraffenried | Hale    | Mitchem   |
| Bedford   | Denton        | Hand    | Preuitt   |
| Cabaniss  | Dial          | Holmes  | Smith (J) |
| Campbell  | Drinkard      |         |           |

—21

Nays: —0

**BUDGET ISOLATION RESOLUTION**

Senator Amari, B. I. R., S. B. 233, adopted.

Yeas 24; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Covington     | Foshee  | Manley    |
| Amari     | deGraffenried | Goodwin | Menton    |
| Bailey    | Denton        | Hale    | Mitchem   |
| Barron    | Dial          | Hand    | Preuitt   |
| Bedsole   | Drinkard      | Holmes  | Sanders   |
| Cabaniss  | Ellis         | Horn    | Smith (J) |
| Campbell  |               |         |           |

—24

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 233. To make certain legislative findings, to define terms for the purposes of this act; to grant certain immunity from suit and civil liability for certain officers, directors, trustees and members of governing bodies of not-for-profit corporations, associations or organizations which are exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended; not-for-profit corporations, associations or organizations which are organized pursuant to Sections 10-3A-2, 22-51-1, 22-51-2, 22-51-3, 22-51-4, 22-51-5, 22-51-6, 22-51-7, 22-51-8, 22-51-9, 22-51-10, 22-51-11, 22-51-12, 22-51-13, and 22-51-14 of the Code of Alabama 1975, self-insured funds established pursuant to Sections 11-26-1, 11-26-2, 11-30-2 or 25-5-9, Code of Alabama 1975, or other legal authority; and boards, authorities or commissions the members of which are appointed by the governing body or bodies of any county or municipality, or by the Governor or other constitutional officers or members of the legislature, pursuant to legislative or constitutional authorization, or the members of which are constitutionally or legislatively delegated.

was taken up.

On motion of Senator Amari, further consideration of the Bill, S. B. 233, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Menton, B. I. R., S. B. 207, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Campbell      | Foshee  | Menton    |
| Bailey    | Covington     | Goodwin | Mitchem   |
| Barron    | deGraffenried | Hale    | Preuitt   |
| Bedford   | Denton        | Hand    | Sanders   |
| Bedsole   | Dial          | Holmes  | Smith (B) |
| Bishop    | Drinkard      | Horn    | Smith (J) |
| Cabaniss  | Ellis         |         |           |

—25

*Nays:*

—0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 207. To amend §34-24-75 by deleting the provision permitting the issuance of a certificate of qualification for license to practice medicine to a commissioned officer of the medical corps of the army, navy, the air force or the public health service of the United States.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Drinkard | Menton    |
| Amari     | Campbell      | Ellis    | Mitchem   |
| Bailey    | Corbett       | Foshee   | Preuitt   |
| Barron    | Covington     | Goodwin  | Sanders   |
| Bedford   | deGraffenried | Hale     | Smith (B) |
| Bedsole   | Denton        | Hand     | Smith (J) |
| Bishop    | Dial          | Holmes   |           |

—26

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders, B. I. R., S. B. 251, adopted.

Yeas 21; Nays 0.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Campbell      | Goodwin | Menton    |
| Barron    | Covington     | Hale    | Mitchem   |
| Bedford   | deGraffenried | Hand    | Sanders   |
| Bedsole   | Denton        | Holmes  | Smith (B) |
| Bishop    | Drinkard      | Manley  | Smith (J) |
| Cabaniss  | Ellis         |         |           |

—21

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 251. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 251, to-wit:

**AMENDMENT TO S. B. 251**

Amend S. B. 251, Page 1, Line 21 and 22 by striking out Section 1 in its entirety and renumber the following sections accordingly.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Bishop        | Drinkard | Horn      |     |
| Amari     | Cabaniss      | Ellis    | Manley    |     |
| Bailey    | Campbell      | Foshee   | Parsons   |     |
| Barron    | Corbett       | Hale     | Preuitt   |     |
| Bedford   | Covington     | Hand     | Sanders   |     |
| Bedsole   | deGraffenried | Holmes   | Smith (B) |     |
| Bennett   | Denton        |          |           | —25 |

*Nays:* —0

Senator Corbett offered the following amendment to the Bill, S. B. 251, as amended, to-wit:

**AMENDMENT TO S. B. 251, AS AMENDED**

Amend Senate Bill No. 251, as amended, Page 2, Line 4, by inserting after the word "person" the following:

“; who is both not married to and not living in cohabitation with the actor.”

Which was adopted.

Yeas 15; Nays 12.

*Yeas:*

|           |               |        |         |     |
|-----------|---------------|--------|---------|-----|
| Senators: | Bishop        | Ellis  | Holmes  |     |
| Bailey    | Corbett       | Foshee | Manley  |     |
| Barron    | Covington     | Hale   | Menton  |     |
| Bedford   | deGraffenried | Hand   | Preuitt | —15 |

*Nays:*

|           |          |         |           |     |
|-----------|----------|---------|-----------|-----|
| Senators: | Campbell | Horn    | Sanders   |     |
| Bedsole   | Drinkard | Mitchem | Smith (B) |     |
| Bennett   | Figures  | Parsons | Smith (J) |     |
| Cabaniss  |          |         |           | —12 |

And said Bill, S. B. 251, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 2.

*Yeas:*

|           |           |         |           |     |
|-----------|-----------|---------|-----------|-----|
| Senators: | Cabaniss  | Figures | Parsons   |     |
| Bailey    | Campbell  | Hale    | Preuitt   |     |
| Barron    | Corbett   | Holmes  | Rice      |     |
| Bedford   | Covington | Horn    | Sanders   |     |
| Bedsole   | Drinkard  | Manley  | Smith (B) |     |
| Bennett   | Ellis     | Mitchem | Smith (J) |     |
| Bishop    |           |         |           | —24 |

*Nays:*

|           |      |        |    |
|-----------|------|--------|----|
| Senators: | Hand | Menton | —2 |
|-----------|------|--------|----|

**THE BILL:**

S. 158. To provide for the establishment and operation of an Alabama Peace Officers' Hall of Fame Board, and to prescribe its powers and duties.

was taken up.

On motion of Senator Smith (J), further consideration of the Bill, S. B. 158, and accompanying B. I. R., was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 289, adopted.

Yeas 23; Nays 0.

*Yeas:*

|           |           |        |           |     |
|-----------|-----------|--------|-----------|-----|
| Senators: | Bishop    | Ellis  | Manley    |     |
| Bailey    | Cabaniss  | Foshee | Menton    |     |
| Barron    | Covington | Hale   | Preuitt   |     |
| Bedford   | Denton    | Hand   | Sanders   |     |
| Bedsole   | Dial      | Holmes | Smith (B) |     |
| Bennett   | Drinkard  | Horn   | Smith (J) | —23 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 289. To amend Sections 41-13-5 and 41-13-22 through 41-13-25, Code of Alabama 1975, relating to the management of certain public records so as to provide further for such management to include such records of municipalities; and to create a local government records commission in lieu of a county records commission.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 289, to-wit:

#### AMENDMENT TO S. B. 289

On page 1, lines 14 and 24, delete the period and insert in lieu thereof: and repeal Sections 11-47-150 through 11-47-155, Code of Alabama 1975.

On page 4, line 15, insert the following language as a new Section 2 and renumber subsequent sections accordingly:

Section 2. Sections 11-47-150 through 11-47-155, Code of Alabama 1975, are hereby expressly repealed.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

|           |           |         |           |     |
|-----------|-----------|---------|-----------|-----|
| Senators: | Bishop    | Ellis   | Manley    |     |
| Amari     | Cabaniss  | Figures | Menton    |     |
| Bailey    | Campbell  | Foshee  | Preuitt   |     |
| Barron    | Covington | Hale    | Rice      |     |
| Bedford   | Denton    | Hand    | Sanders   |     |
| Bedsole   | Dial      | Holmes  | Smith (B) |     |
| Bennett   | Drinkard  | Horn    | Smith (J) | —27 |

*Nays:* —0

And said Bill, S. B. 289, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

*Yeas:*

|           |           |         |           |     |
|-----------|-----------|---------|-----------|-----|
| Senators: | Covington | Hale    | Parsons   |     |
| Bedford   | Denton    | Hand    | Preuitt   |     |
| Bedsole   | Dial      | Holmes  | Rice      |     |
| Bennett   | Drinkard  | Horn    | Sanders   |     |
| Cabaniss  | Ellis     | Manley  | Smith (B) |     |
| Campbell  | Figures   | Menton  | Smith (J) |     |
| Corbett   | Foshee    | Mitchem |           | —26 |

*Nays:* —0

### MOTIONS IN WRITING

Senator Bedford requested and received permission to suspend the Rules in order to offer the following Motions in Writing, to-wit:

I move that the Bill, S. B. 215, on page 87 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 215, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 214, on page 86 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 214, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### MOTION TO RECONSIDER

Senator Parsons moved that the Senate reconsider the vote by which the Bill, S. B. 251, as amended, was passed.

On motion of Senator Smith (J), the motion to reconsider was postponed until the next Legislative Day.

### BILLS ON THIRD READING RESUMED

THE BILL:

S. 107. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase, grant or condemnation, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

was taken up.

On motion of Senator Holmes, further consideration of the Bill, S. B. 107, was postponed until the next Legislative Day as Unfinished Business.

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B. I. R., S. B. 296, adopted.

Yeas 24; Nays 0.

*Yeas:*

|           |           |        |           |
|-----------|-----------|--------|-----------|
| Senators: | Covington | Foshee | Menton    |
| Barron    | Denton    | Hale   | Mitchem   |
| Bedford   | Dial      | Hand   | Preuitt   |
| Bedsole   | Drinkard  | Holmes | Sanders   |
| Bennett   | Ellis     | Horn   | Smith (B) |
| Bishop    | Figures   | Manley | Smith (J) |
| Cabaniss  |           |        |           |

—24

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 296. To provide that persons now employed by state junior colleges and Athens State College who were employed by said institutions prior to such time as said institutions became state supported, may purchase credit for up to five years for such service under the Teachers' Retirement System of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |        |           |
|-----------|---------------|--------|-----------|
| Senators: | Corbett       | Hale   | Mitchem   |
| Bailey    | Covington     | Hand   | Preuitt   |
| Barron    | deGraffenried | Holmes | Rice      |
| Bedford   | Denton        | Horn   | Sanders   |
| Bedsole   | Dial          | Manley | Smith (B) |
| Bishop    | Drinkard      | Menton | Smith (J) |
| Cabaniss  | Figures       |        |           |

—25

*Nays:* —0

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor and Secretary of State, with the date and hour of delivery, to-wit:

S. B. 100

S. B. 188

S. B. 189

Delivered to the Governor June 16, 1987, at 4:10 P.M.

S. B. 291

Delivered to the Secretary of State June 16, 1987, at 4:00 P.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### **ADJOURNMENT**

At 11:59 P.M., on motion of Senator deGraffenried, pending further consideration of the Bill, S. B. 107, the Senate adjourned until Thursday, June 18, 1987, at 10:31 A.M.

## **NINETEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 18, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend James A. Griffin, Minister, Gulf Shores United Methodist Church, Gulf Shores, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Miss Dee Drinkard, Altamont School, Birmingham, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Menton    |
| Amari     | Covington     | Goodwin  | Mitchem   |
| Bailey    | deGraffenried | Hale     | Parsons   |
| Barron    | Denton        | Hand     | Pruitt    |
| Bedford   | Dial          | Hilliard | Rice      |
| Bedsole   | Dixon         | Holmes   | Sanders   |
| Bennett   | Drinkard      | Horn     | Smith (B) |
| Cabaniss  | Ellis         | Manley   | Smith (J) |
| Campbell  | Figures       |          |           |

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### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Bishop and Langford for today.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Manley:

S. 581. To amend Section 11-3-11(a)(15) of Code of Alabama 1975 in order to authorize and empower the County Commission of any County to require property owners to connect with a sanitary sewer system operated by said County any facilities for the collection or disposal of sewage; to charge the owners of affected property for the costs of such connection; and to create a lien against such affected property for the enforcement of the payment of such costs.

• Committee on Governmental Affairs.

By Senator Ellis (With Notice and Proof):

S. 582. Relating to Shelby County; to provide that persons living in certain areas of said county, upon receipt of written notice as provided herein, must maintain their dogs on leashes or in pens; and to prescribe fees for violations of this act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 582, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ellis (With Notice and Proof):

S. 583. Relating to Shelby County, prohibiting annexation by out of county municipalities without a vote of the people of Shelby County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 583, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Drinkard:

S. 584. To amend Section 23-4-20, Code of Alabama 1975, relating to vacation of streets or alleys, so as to provide that the title to certain streets or alleys which have not been used shall upon vacation revert to the fee simple owner.

Committee on Judiciary.

By Senators Bedsole, Holmes, Menton, Hand, Figures, and Dial:

S. 585. To amend further Section 33-4-48, Code of Alabama 1975, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Committee on Governmental Affairs.

By Senator Bedsole:

S. 586. To amend the Code of Alabama 1975, §6-2-8 to remove the category of "persons imprisoned on a criminal charge for any term less than



life" from the list of persons who are considered to be under a civil disability with respect to commencing an action, making entry on land, or defending against an action, and, as a result of said disability, are, under present law, permitted an additional three years, or the period allowed by law for the commencement of such action if it be less than three years, after release from prison, to commence a civil action, to make an entry on land or to enter a defense founded on the title to real property.

Committee on Judiciary.

By Senators Barron and Drinkard:

S. 587. To create the Alabama Mothers and Babies Indigent Care Trust Fund; to create the Alabama Mothers and Babies Indigent Care Trust Fund Board to administer said fund; to provide for the said board's composition, powers, duties and authority; to provide for funding; to provide for the creation of the Alabama Mothers and Babies Indigent Care Trust Fund in the state treasury; and to provide that monies in said fund shall not revert to the general fund but shall be carried forward into each succeeding state fiscal year.

Committee on Banking and Insurance.

By Senator Barron:

S. 588. To authorize the governing body of any county or municipality, or any county and municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets or bridges; and to provide that the provisions of this act are cumulative.

Committee on Governmental Affairs.

By Senators Mitchem, Menton, Barron, and Rice:

S. 589. To amend portions of Section 24-1A-1 of the Code of Alabama 1975, relating to the Legislative findings and declaration of purpose underlying Chapter 1A of Title 24 of the Code of Alabama 1975; and to amend the definition of "eligible housing unit" appearing in Section 24-1A-2(5) of the Code of Alabama 1975; to provide that eligible housing units may include

multi-family dwelling units for occupancy by persons and families without restriction as to their income, other than applicable federal restrictions.

Committee on Finance and Taxation.

By Senators Mitchem and Smith (B):

S. 590. To amend Section 40-18-20, Code of Alabama 1975, relating to military retirement benefits being exempted from income taxes, so as to provide for a graduated increase in said exemption.

Committee on Finance and Taxation.

By Senator Foshee:

S. 591. To make further provisions for the issuance of obligations by Alabama Federal Aid Highway Finance Authority by amending Article 10 of Chapter 1 of Title 23 of the Code of Alabama 1975, as amended, so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate, defense and primary highways, but also, for the purpose of anticipating and providing for the federal share of the cost of replacing bridges on the State Highway System. Also, to amend Section 23-1-314 of the Code of Alabama 1975, as amended, to provide that pledges made of the proceeds, or specified portions of the proceeds, from the taxes and fees referred to in this section shall with respect to each obligation issued hereunder be subject and subordinate to: (1) All pledges of the proceeds (or portions thereof) of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1986, by the Alabama Highway Authority. (2) Any refunding bonds that may be issued by the Alabama Highway Authority after December 1, 1986, for the purpose of refunding any of the bonds referred to in clause (1) of this sentence.

Committee on Finance and Taxation.

By Senator Foshee:

S. 592. To reopen the Retirement Systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military service and to provide for its termination.

Committee on Finance and Taxation.

By Senator Holmes:

S. 593. To amend Code of Alabama 1975, §13A-6-4, to provide that criminally negligent homicide is a Class C felony instead of a Class A misdemeanor.

Committee on Judiciary.

By Senator Horn:

S. 594. To open the Teachers' Retirement System of Alabama for purchase of prior service credit by certain employees of the Disability Determination Division of the State Department of Education; to provide credit for such service for purposes of continuous service and longevity; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the said retirement system; to provide for the

payment of the members contributions and the employers by the members of such service; and to provide for its termination.

Committee on Finance and Taxation.

By Senator Goodwin:

S. 595. To provide for the definition of the word "population" as relates to municipalities, whenever it appears in the Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Covington and Foshee:

S. 596. To provide the Secretary of State and the State Auditor with a monthly expense allowance from funds appropriated to each respective office. To further provide for the equalization of annual salaries of the Secretary of State and the State Auditor with that of the State Treasurer at the expiration of the current term of office of these constitutional officers.

Committee on Governmental Affairs.

By Senator Bailey:

S. 597. To propose an Amendment to the Constitution of Alabama of 1901 levying a one (1) mill property tax on real property located in Houston County, excluding property located in the City of Dothan; subject to a petition for subsequent elections if submitted every four years by ten percent of the registered voters; and to provide that the net proceeds of such tax, if approved, shall be used only for fire fighting and fire prevention purposes in Houston County outside the city limits of Dothan.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Parsons:

S. 598. To provide further for the compensation of executive security officers.

Committee on Finance and Taxation.

By Senators Covington, Foshee, Rice, Parsons, Bennett, Campbell, Figures, Bedford, Smith (B), Holmes, Drinkard, Preuitt, Dixon, Menton, Hale, Horn, Ellis, Hand, Smith (J), Denton, and Bailey:

S. 599. To amend Code of Alabama 1975, Section 36-15-10, to provide for the appointment of Executive Assistants to the Attorney General.

Committee on Governmental Affairs.

By Senator Amari:

S. 600. To amend section 12-15-72, Code of Alabama 1975, relating to admissibility of certain evidence in juvenile proceedings, so as to allow a judge in a court where a criminal proceeding is pending against a child access to any prior juvenile record of the child in certain instances.

Committee on Judiciary.

By Senator Menton:

S. 601. To provide that the punishment for second degree rape be changed from a Class C to a Class B felony; to amend Section 13A-6-62,

Code of Alabama 1975; to provide that the punishment for second degree sodomy be changed from a Class C to a Class B felony; to amend Section 13A-6-64, Code of Alabama 1975; and to specify the conduct to which this act applies.

Committee on Judiciary.

By Senator Sanders:

S. 602. To provide for an additional circuit judgeship No. 3 in the 4th judicial circuit in addition to the two circuit judgeships now existing; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to provide for the appointment by the Governor of the first judge to fill said additional judgeship and that thereafter successors shall be elected to full terms of office as provided by law; and to provide an appropriation to the unified judicial system for the maintenance of such additional judgeship.

Committee on Finance and Taxation.

By Senator Preuitt:

S. 603. To exempt the Am Vets of Alabama from the payment of all state, county and municipal ad valorem taxes.

Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 141. To authorize local boards of education in any combination of 25 or more to jointly purchase insurance or to establish self-funded insurance programs for the purpose of providing risk management alternatives for the boards of education; establishes requirements of reporting; and exempts such entities from payment of certain taxes.

Also:

H. J. R. 213. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY WITH RESPECT TO OIL AND GAS DEVELOPMENT ACTIVITIES IN ALABAMA'S COASTAL WATERS.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 404. Relating to Washington County; to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35, Section 20-2-93, and Title 28 of the Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 194. To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MOTION IN WRITING**

Senator Campbell requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, H. B. 73, on page 87 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 73, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills

with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 56. Relating to controlled substances; prescribing certain additional penalties for any person convicted of an unlawful sale of a controlled substance on the campus or within a certain radius of the campus boundaries of any private or public school, college, university or other educational institution in this state.

Also:

S. 289. To amend Sections 41-13-5 and 41-13-22 through 41-13-25, Code of Alabama 1975, relating to the management of certain public records so as to provide further for such management to include such records of municipalities; and to create a local government records commission in lieu of a county records commission and repeals Sections 11-47-150 through 11-47-155, Code of Alabama 1975.

Also:

S. 485. To further amend Section 41-9-682, Code of Alabama 1975, which section provides for the general powers of the Alabama music hall of fame, so as to further authorize the board to constitute a bond authority for the purposes of issuing general obligation bonds for capital outlay purposes, and for the purposes for which it was created; to provide for the circumstances under which the state of Alabama shall make payments on the costs incurred as a result of any such bond issue and to pledge its full faith and credit if necessary; to provide for the operation of such authority, its powers, duties and the allocation of bond proceeds; and to exempt such authority from any taxes of any nature, whether state, local or special.

Also:

S. 486. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

JIM SMITH,  
Chairperson.

### BUDGET ISOLATION RESOLUTION

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedford, B. I. R., S. B. 477, adopted.

REGULAR SESSION  
19th Day

981

Yeas 18; Nays 0.

Yeas:

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Figures | Preuitt   |     |
| Bedford   | deGraffenried | Hale    | Sanders   |     |
| Bennett   | Denton        | Hand    | Smith (B) |     |
| Cabaniss  | Dial          | Manley  | Smith (J) |     |
| Campbell  | Ellis         | Menton  |           | —18 |

Nays: —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 477. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

was taken up.

Senator Bedford offered the following amendment No. 1 to the Bill, S. B. 477, to-wit:

**AMENDMENT NO. 1 TO S. B. 477**

Amend Senate Bill 477 on Page 5, Line 13, by striking "H. U. D" and inserting in lieu thereof:

"Federal"

Further amend on Page 5, Line 13, by inserting after the word "regulations" the words "or acts"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

|           |         |         |           |     |
|-----------|---------|---------|-----------|-----|
| Senators: | Dial    | Goodwin | Rice      |     |
| Bedford   | Dixon   | Horn    | Sanders   |     |
| Bennett   | Ellis   | Manley  | Smith (B) |     |
| Cabaniss  | Figures | Menton  | Smith (J) |     |
| Campbell  | Foshee  | Preuitt |           | —18 |

Nays: —0

Senator Bedford then offered the following amendment No. 2 to the Bill, S. B. 477, as amended, to-wit:

**AMENDMENT NO. 2 TO S. B. 477, AS AMENDED**

Amend Senate Bill No. 477, as amended, Page 2 Line 17-19, by striking out Section (d) in its entirety and inserting in lieu thereof the following:

"(d) Dealer means any person engaged in the business of buying and thereafter selling, displacing or offering for sale manufactured houses. Assignee

means any bank, financing institution or any person purchasing a retail installment contract, which has as security a manufactured home."

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | deGraffenried | Ellis   | Menton    |     |
| Bedford   | Denton        | Figures | Preuitt   |     |
| Bennett   | Dial          | Foshee  | Sanders   |     |
| Cabaniss  | Dixon         | Goodwin | Smith (B) |     |
| Campbell  | Drinkard      | Manley  | Smith (J) | —19 |

*Nays:* —0

Senator Rice offered the following amendment to the Bill, S. B. 477, as amended, to-wit:

#### AMENDMENT TO S. B. 477, AS AMENDED

On page 2, line 18, after the word "sale" insert the following language:  
new or used

On page 2, line 20, after the word "where" insert the following language:  
new or used

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Ellis   | Manley    |     |
| Barron    | deGraffenried | Figures | Menton    |     |
| Bedford   | Denton        | Foshee  | Rice      |     |
| Bennett   | Dial          | Goodwin | Smith (B) |     |
| Cabaniss  | Dixon         | Hale    | Smith (J) |     |
| Campbell  | Drinkard      | Hand    |           | —22 |

*Nays:* —0

And said Bill, S. B. 477, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Figures  | Menton    |     |
| Barron    | Denton        | Goodwin  | Preuitt   |     |
| Bedford   | Dial          | Hale     | Rice      |     |
| Cabaniss  | Dixon         | Hand     | Smith (B) |     |
| Campbell  | Drinkard      | Hilliard | Smith (J) |     |
| Covington | Ellis         | Manley   |           | —22 |

*Nays:* —0

#### COMMITTEE REPORT FILED

The annual report of the Alabama Oil and Gas Study Committee, created by S. J. R. 156, 1983, was read and ordered filed with the Secretary.



**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., S. B. 158, adopted.

Yeas 21; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hale     | Preuitt   |
| Barron    | Denton        | Hand     | Rice      |
| Bedford   | Dial          | Hilliard | Sanders   |
| Bedsole   | Dixon         | Manley   | Smith (B) |
| Bennett   | Ellis         | Menton   | Smith (J) |
| Cabaniss  | Figures       |          |           |

—21

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 158. To provide for the establishment and operation of an Alabama Peace Officers' Hall of Fame Board, and to prescribe its powers and duties.  
was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 158, to-wit:

**SUBSTITUTE FOR S. B. 158**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for the establishment and operation of an Alabama Peace Officers' Hall of Fame Board, and to prescribe its powers and duties.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The Alabama Peace Officers' Hall of Fame Board is hereby created and established. The board shall be composed of 7 law enforcement officers, no two of whom shall be from the same congressional district, elected for a term of 4 years by the board itself. Board members shall be prohibited from serving consecutive terms. The board shall annually elect one of the members to serve as chairman. The initial board members shall be appointed as follows, viz: The member from Congressional District No. 1 shall be appointed by the Alabama Peace Officers' Association; the member from Congressional District No. 2 shall be appointed by the Alabama Sheriffs' Association; the member from Congressional District No. 3 shall be appointed by the Fraternal Order of Police; the member from Congressional District No. 4 shall be appointed by the Alabama League of Municipalities; the member from Congressional District No. 5 shall be appointed by the Alabama Association of County Commissioners; the member from Congressional District No. 6 shall be appointed by the Alabama Association of Chiefs of Police, and the member from Congressional District No. 7 shall be appointed by the Alabama State Troopers Association. Members of the board shall not be compensated for their services. The board shall meet annually at the office of the Alabama Peace Officers' Association, and at such other times

and places as its rules and bylaws may prescribe. A majority of the members shall constitute a quorum for the transaction of business.

Section 2. It shall be the function and main purpose of the board to honor those living or dead, who by achievement or service, have made outstanding and lasting contributions to Law Enforcement in Alabama. The board may adopt such rules, regulations, and bylaws as it deems necessary to carry out its functions and duties. Also, it may conduct surveys and polls and may appoint such committees and representatives as it may determine necessary or desirable.

Section 3. The board may solicit and accept donations, contributions and gifts of money and property or services, and all gifts made to the board shall be exempt from all taxation in Alabama. All property, money, income, resources, and activities of the board shall likewise be exempt from taxation.

Section 4. The board may spend all appropriations of public money made for the use of the board and may expend funds donated or contributed for its use.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Figures  | Pruitt    |     |
| Barron    | deGraffenried | Hale     | Rice      |     |
| Bedford   | Denton        | Hand     | Sanders   |     |
| Bedsole   | Dial          | Hilliard | Smith (B) |     |
| Bennett   | Dixon         | Manley   | Smith (J) |     |
| Cabaniss  | Ellis         | Menton   |           | —22 |

*Nays:* —0

Senator Dixon offered the following substitute for the Bill, S. B. 158, as amended by the Committee substitute, to-wit:

### **SUBSTITUTE FOR S. B. 158, AS AMENDED**

#### **A BILL TO BE ENTITLED AN ACT**

To provide for the establishment and operation of an Alabama Peace Officers' Hall of Fame Board, and to prescribe its powers and duties.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The Alabama Peace Officers' Hall of Fame Board is hereby created and established. The board shall be composed of 7 law enforcement officers, no two of whom shall be from the same congressional district, elected for a term of 4 years by the board itself. Board members shall be prohibited from serving consecutive terms. The board shall annually elect one of the

members to serve as chairman. The initial board members shall be appointed as follows, viz: The member from Congressional District No. 1 shall be appointed by the Alabama Peace Officers' Association; the member from Congressional District No. 2 shall be appointed by the Alabama Sheriffs' Association; the member from Congressional District No. 3 shall be appointed by the Fraternal Order of Police; the member from Congressional District No. 4 shall be appointed by the Alabama League of Municipalities; the member from Congressional District No. 5 shall be appointed by the Alabama Association of County Commissioners; the member from Congressional District No. 6 shall be appointed by the Alabama Association of Chiefs of Police, and the member from Congressional District No. 7 shall be appointed by the Alabama State Troopers Association. Members of the board shall not be compensated for their services. The board shall meet annually at the office of the Alabama Peace Officers' Association, and at such other times and places as its rules and bylaws may prescribe. A majority of the members shall constitute a quorum for the transaction of business.

Section 2. It shall be the function and main purpose of the board to honor those living or dead, who by achievement or service, have made outstanding and lasting contributions to Law Enforcement in Alabama. The board may adopt such rules, regulations, and bylaws as it deems necessary to carry out its functions and duties.

Section 3. The board may solicit and accept donations, contributions and gifts of money and property or services, and all gifts made to the board shall be exempt from all taxation in Alabama. All property, money, and income, of the board shall likewise be exempt from taxation.

Section 4. The board may spend all appropriations of public money made for the use of the board and may expend funds donated or contributed for its use.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

|           |          |         |           |
|-----------|----------|---------|-----------|
| Senators: | Cabaniss | Goodwin | Manley    |
| Bailey    | Dial     | Hale    | Menton    |
| Barron    | Dixon    | Hand    | Preuitt   |
| Bedford   | Ellis    | Holmes  | Sanders   |
| Bedsole   | Figures  | Horn    | Smith (B) |
| Bennett   | Foshee   |         |           |

—21

Nays:

—0

And said Bill, S. B. 158, as thus amended by the Dixon substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Foshee  | Manley    |     |
| Barron    | deGraffenried | Goodwin | Preuitt   |     |
| Bedford   | Denton        | Hale    | Rice      |     |
| Bedsole   | Dixon         | Hand    | Sanders   |     |
| Bennett   | Ellis         | Holmes  | Smith (B) |     |
| Campbell  | Figures       | Horn    |           | —22 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**RESOLUTION**

Senator Ellis offered the following Senate Resolution, to-wit:

S. R. 139. COMMENDING DOT HENRY OF ALABASTER, ALABAMA, AS THE CENTRAL CIVITAN CLUB'S CITIZEN OF THE YEAR.

Which was filed.

**BUDGET ISOLATION RESOLUTION**

Senator Figures requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Figures, B. I. R., S. B. 552, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Figures | Parsons   |     |
| Amari     | Covington     | Goodwin | Preuitt   |     |
| Bailey    | deGraffenried | Hand    | Rice      |     |
| Barron    | Denton        | Holmes  | Sanders   |     |
| Bedsole   | Dial          | Horn    | Smith (B) |     |
| Cabaniss  | Dixon         | Menton  | Smith (J) |     |
| Campbell  | Drinkard      |         |           | —25 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 552. Relating to seized assets and funds in controlled substances proceedings in Mobile County; authorizing the sheriff of the county and municipal chiefs of police to distribute such assets or funds for private and nonprofit drug prevention programs.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Figures | Parsons   |     |
| Amari     | Covington     | Goodwin | Preuitt   |     |
| Bailey    | deGraffenried | Hand    | Rice      |     |
| Barron    | Denton        | Holmes  | Sanders   |     |
| Bedsole   | Dial          | Horn    | Smith (B) |     |
| Cabaniss  | Dixon         | Menton  | Smith (J) |     |
| Campbell  | Drinkard      |         |           | —25 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Figures, B. I. R., S. B. 557, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Figures | Parsons   |     |
| Amari     | Covington     | Goodwin | Preuitt   |     |
| Bailey    | deGraffenried | Hand    | Rice      |     |
| Barron    | Denton        | Holmes  | Sanders   |     |
| Bedsole   | Dial          | Horn    | Smith (B) |     |
| Cabaniss  | Dixon         | Menton  | Smith (J) |     |
| Campbell  | Drinkard      |         |           | —25 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 557. This bill provides a supplement to the salary of each district judge in the Thirteenth Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Corbett       | Figures | Parsons   |     |
| Amari     | Covington     | Goodwin | Preuitt   |     |
| Bailey    | deGraffenried | Hand    | Rice      |     |
| Barron    | Denton        | Holmes  | Sanders   |     |
| Bedsole   | Dial          | Horn    | Smith (B) |     |
| Cabaniss  | Dixon         | Menton  | Smith (J) |     |
| Campbell  | Drinkard      |         |           | —25 |

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 287. TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**UNFINISHED BUSINESS****BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 107. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase, grant or condemnation, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

And said Bill, S. B. 107, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

|               |          |         |           |
|---------------|----------|---------|-----------|
| Senators:     | Denton   | Goodwin | Mitchem   |
| Amari         | Dial     | Hale    | Preuitt   |
| Barron        | Dixon    | Holmes  | Rice      |
| Bedford       | Drinkard | Horn    | Sanders   |
| Bedsole       | Ellis    | Manley  | Smith (B) |
| Campbell      | Foshee   | Menton  | Smith (J) |
| deGraffenried |          |         |           |

—24

*Nays:*

—0

**THE BILL:**

S. 148. To propose an amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or

revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district; to exempt the municipality or county from the provisions of Section 94 of the Constitution with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes; to ratify and approve legislation adopted in furtherance of the powers hereby conferred; and to provide for the adoption hereof.

was taken up.

Senator Goodwin offered the following amendment to the Bill, S. B. 148, to-wit:

**AMENDMENT TO S. B. 148**

Amend Senate Bill No. 148, Page 2 of 4, Beginning on line 11, after the word district, and ending on line 13, before the word with, STRIKE: to exempt the municipality or county from the provisions of Section 94 of the Constitution

Also:

Amend Senate Bill No. 148, Page 3 of 4, Delete line 12, Delete line 13, Delete line 14 before the semi colon, and insert, after the word interests on line 11, and ending on line 14 after the word amended: for compensation established by the governing body of county or municipality, as the case may be which established such district, but for not less than the fair market value thereof determined by one or more independent appraisals of such property

Also:

Amend Senate Bill No. 148, page 3 of 4, Line 22, after the word granted, strike the remainder of the line

Line 23: strike

Line 24: strike everything before the word is

Which was adopted.

Yeas 18; Nays 0.

Yeas:

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Cabaniss | Foshee   | Menton    |
| Bailey    | Campbell | Goodwin  | Rice      |
| Barron    | Corbett  | Hilliard | Sanders   |
| Bedford   | Dial     | Horn     | Smith (J) |
| Bedsole   | Ellis    | Manley   |           |

—18

Nays:

—0

And said Bill, S. B. 148, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Covington | Hale     | Menton    |     |
| Bailey    | Dial      | Hand     | Preuitt   |     |
| Barron    | Ellis     | Hilliard | Rice      |     |
| Bedsole   | Figures   | Horn     | Sanders   |     |
| Cabaniss  | Foshee    | Manley   | Smith (J) |     |
| Corbett   | Goodwin   |          |           | —21 |

*Nays:* —0**THE BILL:**

S. 149. To provide for the redevelopment and revitalization of municipalities and counties in this state and funding the costs thereof through tax increment financing; to authorize the creation of tax increment districts and the adoption of project plans with respect thereto and establish the procedures and requirements therefor; to establish procedures for determining the tax increment and the tax increment base; to permit the amendment of project plans; to provide for allocation of tax increments for such districts to the municipality or county that created the district and for the expiration of such allocations; to provide for the termination of such tax increment districts; to prescribe sources for paying project costs within such districts; to authorize indebtedness to be incurred for such costs, payable from such tax increments, and which may or may not be additionally secured by the full faith and credit of the issuer and other liens or covenants; to permit pay-as-you-go funding of projects; to permit overlapping districts; to provide for calculating the equalized assessment of taxable property within such districts and to permit withholding of tax increments to satisfy prior binding commitments.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

|           |         |          |         |     |
|-----------|---------|----------|---------|-----|
| Senators: | Dixon   | Hale     | Menton  |     |
| Bedsole   | Ellis   | Hand     | Mitchem |     |
| Bennett   | Figures | Hilliard | Preuitt |     |
| Cabaniss  | Foshee  | Horn     | Sanders |     |
| Dial      | Goodwin | Manley   |         | —18 |

*Nays:* —0**BILL RECONSIDERED**

The Senate proceeded to consideration of the motion to reconsider the vote by which the Bill:

S. 251. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

as amended, was passed, which said motion was made and postponed on the Eighteenth Legislative Day.

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, S. B. 251, as amended, was passed.



On motion of Senator Sanders, the Senate reconsidered the vote by which the Bill, S. B. 251, as amended, was ordered to its third reading.

On motion of Senator Corbett, the Senate reconsidered the vote by which the Corbett amendment to the Bill, S. B. 251, as amended, was adopted.

On motion of Senator Corbett, said amendment was laid on the table.

And said Bill, S. B. 251, as amended by the Committee amendment, was again read a third time at length and passed.

Yeas 20; Nays 5.

*Yeas:*

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Campbell      | Figures | Manley    |
| Bailey    | deGraffenried | Goodwin | Mitchem   |
| Barron    | Dial          | Hale    | Sanders   |
| Bedsole   | Dixon         | Holmes  | Smith (B) |
| Bennett   | Drinkard      | Horn    | Smith (J) |
| Cabaniss  |               |         |           |

—20

*Nays:*

|           |        |      |        |
|-----------|--------|------|--------|
| Senators: | Denton | Hand | Menton |
| Corbett   | Foshee |      |        |

—5

### FURTHER CONSIDERATION OF H. B. 209

The Senate proceeded to further consideration of the Bill:

H. 209. To amend Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, private and parochial schools, the Alabama Institute for Deaf and Blind, Department of Youth Services School District and all other public institutions of higher learning shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975.

as amended by the Committee substitute on the Eighteenth Legislative Day.

Senator Manley offered the following amendment to the Bill, H. B. 209, as amended, to-wit:

### AMENDMENT TO H. B. 209, AS AMENDED

Amend House Bill No. 209, as amended, Page 7 Line 15, by deleting Section 2 in its entirety and inserting in lieu thereof the following:

“Section 2. This Act shall become effective on October 1, 1989 following its passage and approval by the Governor, or upon its otherwise becoming a law.”

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

|           |               |          |         |     |
|-----------|---------------|----------|---------|-----|
| Senators: | Covington     | Foshee   | Horn    |     |
| Bailey    | deGraffenried | Goodwin  | Manley  |     |
| Bedsole   | Denton        | Hale     | Menton  |     |
| Bennett   | Dixon         | Hand     | Rice    |     |
| Cabaniss  | Ellis         | Hilliard | Sanders |     |
| Campbell  |               |          |         | —20 |

*Nays:* —0

And said Bill, H. B. 209, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 28; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Foshee   | Menton    |     |
| Bailey    | deGraffenried | Goodwin  | Mitchem   |     |
| Barron    | Denton        | Hale     | Preuitt   |     |
| Bedford   | Dixon         | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Sanders   |     |
| Cabaniss  | Ellis         | Horn     | Smith (B) |     |
| Campbell  | Figures       | Manley   | Smith (J) |     |
| Corbett   |               |          |           | —28 |

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 136. To amend Section 22-6-7, Code of Alabama 1975, which authorizes the Medicaid Agency to contract with fiscal intermediaries for the purpose of receiving, processing and paying claims under the medicaid program, so as to provide further for said contracts.

JOHN W. PEMBERTON,  
Clerk.

### BUDGET ISOLATION RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., H. B. 447, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |     |
|-----------|---------------|----------|---------|-----|
| Senators: | Campbell      | Foshee   | Horn    |     |
| Amari     | Corbett       | Goodwin  | Manley  |     |
| Bailey    | deGraffenried | Hale     | Menton  |     |
| Barron    | Dixon         | Hand     | Mitchem |     |
| Bedford   | Drinkard      | Hilliard | Preuitt |     |
| Bedsole   | Ellis         | Holmes   | Sanders |     |
| Cabaniss  | Figures       |          |         | —25 |

*Nays:* —

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 447. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County and the operation of said probate judge's office.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |         |
|-----------|---------------|----------|---------|
| Senators: | Campbell      | Foshee   | Horn    |
| Amari     | Corbett       | Goodwin  | Manley  |
| Bailey    | deGraffenried | Hale     | Menton  |
| Barron    | Dixon         | Hand     | Mitchem |
| Bedford   | Drinkard      | Hilliard | Preuitt |
| Bedsole   | Ellis         | Holmes   | Sanders |
| Cabaniss  | Figures       |          |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., H. B. 448, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Goodwin  | Manley  |
| Amari     | Corbett  | Hale     | Menton  |
| Bailey    | Dixon    | Hand     | Mitchem |
| Barron    | Drinkard | Hilliard | Parsons |
| Bedford   | Ellis    | Holmes   | Preuitt |
| Bedsole   | Figures  | Horn     | Sanders |
| Cabaniss  | Foshee   |          |         |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 448. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Perry County and the operation of said probate judge's office.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Campbell | Goodwin  | Manley  |
| Amari     | Corbett  | Hale     | Menton  |
| Bailey    | Dixon    | Hand     | Mitchem |
| Barron    | Drinkard | Hilliard | Parsons |
| Bedford   | Ellis    | Holmes   | Preuitt |
| Bedsole   | Figures  | Horn     | Sanders |
| Cabaniss  | Foshee   |          |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Covington requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Covington, B. I. R., S. B. 487, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Campbell  | Goodwin  | Manley    |     |
| Amari     | Covington | Hale     | Menton    |     |
| Bailey    | Dixon     | Hand     | Rice      |     |
| Barron    | Drinkard  | Hilliard | Sanders   |     |
| Bedford   | Ellis     | Holmes   | Smith (B) |     |
| Bedsole   | Figures   | Horn     | Smith (J) |     |
| Cabaniss  | Foshee    |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 487. Relating to Dale County; providing for the chairman of the county commission; amending Section 2 and repealing Section 3 of Act No. 1955, H. 1827, Regular Session 1971 (Acts 1971, p. 3174), which provides for the chairman of such commission, so as to transfer such office and duties to the judge of probate who shall be the chairman ex officio; providing that the duties and the compensation of such chairman shall be as provided by law; providing no ballot shall contain the office of chairman of county commission separate from the judge of probate.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Campbell  | Goodwin  | Manley    |     |
| Amari     | Covington | Hale     | Menton    |     |
| Bailey    | Dixon     | Hand     | Rice      |     |
| Barron    | Drinkard  | Hilliard | Sanders   |     |
| Bedford   | Ellis     | Holmes   | Smith (B) |     |
| Bedsole   | Figures   | Horn     | Smith (J) |     |
| Cabaniss  | Foshee    |          |           | —25 |

*Nays:*

—0

**THE BILL:**

S. 19. To require certain deer hunters using modern firearms and any person accompanying one hunting deer to wear a minimum of 500 square inches of outer clothing consisting of hunter orange or daylight fluorescent orange material during certain hunting seasons and on certain lands; and to provide for penalties for violations.

was taken up.

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Senator Corbett offered the following amendment to the Bill, S. B. 19, to-wit:

**AMENDMENT TO S. B. 19**

Amend Senate Bill No. 19 Page 1, Line 20 after the word "orange" and before the word "material"

insert "or blaze orange camo"

Page 2, Line 7 after the words "fluorescent orange"

insert "or blaze orange camo"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

|               |         |          |           |
|---------------|---------|----------|-----------|
| Senators:     | Dial    | Hilliard | Mitchem   |
| Cabaniss      | Dixon   | Holmes   | Rice      |
| Campbell      | Goodwin | Horn     | Sanders   |
| Corbett       | Hale    | Manley   | Smith (B) |
| deGraffenried | Hand    | Menton   | Smith (J) |
| Denton        |         |          |           |

—20

*Nays:* —0

And said Bill, S. B. 19, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

*Yeas:*

|               |         |          |           |
|---------------|---------|----------|-----------|
| Senators:     | Denton  | Hand     | Mitchem   |
| Bennett       | Dial    | Hilliard | Preuitt   |
| Cabaniss      | Dixon   | Holmes   | Rice      |
| Campbell      | Figures | Horn     | Sanders   |
| Corbett       | Goodwin | Manley   | Smith (B) |
| Covington     | Hale    | Menton   | Smith (J) |
| deGraffenried |         |          |           |

—24

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Campbell, B. I. R., H. B. 40, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Campbell | Foshee   | Menton    |
| Amari     | Denton   | Hale     | Preuitt   |
| Bailey    | Dial     | Hilliard | Rice      |
| Barron    | Dixon    | Holmes   | Sanders   |
| Bedford   | Drinkard | Horn     | Smith (B) |
| Bedsole   | Ellis    | Manley   | Smith (J) |
| Bennett   | Figures  |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 40. Relating to Morgan County; authorizing the county to pay all its employees whose compensation is provided for by local act bi-weekly instead of semi-monthly and to repeal all provisions of all local acts which conflict with this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Foshee   | Menton    |     |
| Amari     | Denton   | Hale     | Preuitt   |     |
| Bailey    | Dial     | Hilliard | Rice      |     |
| Barron    | Dixon    | Holmes   | Sanders   |     |
| Bedford   | Drinkard | Horn     | Smith (B) |     |
| Bedsole   | Ellis    | Manley   | Smith (J) |     |
| Bennett   | Figures  |          |           | —25 |

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Campbell, B. I. R., H. B. 180, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Campbell | Foshee   | Menton    |     |
| Amari     | Denton   | Hale     | Preuitt   |     |
| Bailey    | Dial     | Hilliard | Rice      |     |
| Barron    | Dixon    | Holmes   | Sanders   |     |
| Bedford   | Drinkard | Horn     | Smith (B) |     |
| Bedsole   | Ellis    | Manley   | Smith (J) |     |
| Bennett   | Figures  |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 180. To authorize a procedure whereby the Sheriff of Morgan County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Morgan County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two (2) weeks in a newspaper of general circulation published in Morgan County, Alabama, or by posting in a conspicuous place at the Morgan County Courthouse; to provide that the first publication or posting of said notice shall be twenty (20) days before the said auction; to provide a procedure for the conduct of said auction; to

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provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Morgan County, Alabama, may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid to the Sheriff's Department of Morgan County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Campbell | Foshee   | Menton    |
| Amari     | Denton   | Hale     | Preuitt   |
| Bailey    | Dial     | Hilliard | Rice      |
| Barron    | Dixon    | Holmes   | Sanders   |
| Bedford   | Drinkard | Horn     | Smith (B) |
| Bedsole   | Ellis    | Manley   | Smith (J) |
| Bennett   | Figures  |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Campbell requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Campbell, B. I. R., H. B. 182, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Covington     | Figures  | Manley    |
| Amari     | deGraffenried | Foshee   | Menton    |
| Bailey    | Denton        | Hale     | Rice      |
| Barron    | Dial          | Hilliard | Sanders   |
| Bedford   | Dixon         | Holmes   | Smith (B) |
| Bedsole   | Drinkard      | Horn     | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 182. Relating to Morgan County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Figures  | Manley    |     |
| Amari     | deGraffenried | Foshee   | Menton    |     |
| Bailey    | Denton        | Hale     | Rice      |     |
| Barron    | Dial          | Hilliard | Sanders   |     |
| Bedford   | Dixon         | Holmes   | Smith (B) |     |
| Bedsole   | Drinkard      | Horn     | Smith (J) |     |
| Campbell  | Ellis         |          |           | —25 |

Nays: —0

**BUDGET ISOLATION RESOLUTION**

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., S. B. 396, adopted.

Yeas 22; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Hand     | Mitchem   |     |
| Bailey    | Dixon         | Hilliard | Rice      |     |
| Bedsole   | Drinkard      | Holmes   | Sanders   |     |
| Bennett   | Foshee        | Horn     | Smith (B) |     |
| Cabaniss  | Goodwin       | Manley   | Smith (J) |     |
| Campbell  | Hale          | Menton   |           | —22 |

Nays: —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 396. To amend Section 40-23-61, Code of Alabama 1975, to provide that any over collection of use tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

was taken up.

Senator Rice offered the following substitute for the Bill, S. B. 396, to-wit:

**SUBSTITUTE FOR S. B. 396**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 40-23-61 and 40-23-63, Code of Alabama 1975, relating to use taxes, so as to provide that any over-collection of use tax by a retailer from the customer is to be paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.



BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-61, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-23-61.

“(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property; or the amount of tax collected by the seller, whichever is greater, except as provided in subsections (b) and (c) of this section.

“(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine; or the amount of tax collected by the seller, whichever is greater; provided, that the term ‘machine,’ as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of one and one-half percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer; or the amount of tax collected by the seller, whichever is greater. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

“(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal

property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this section apply."

Section 2. Section 40-23-63, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-23-63.

"There is hereby levied and imposed an excise tax on the storage, use or other consumption in this state of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry, or farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after October 1, 1966, for storage, use or other consumption in this state, at the rate of one and one-half percent of the sales price of such property, or the amount of tax collected by the seller, whichever is greater, regardless of whether the retailer is or is not engaged in business in this state. The tax herein levied and imposed shall be in lieu of the excise tax levied and imposed by section 40-23-61; provided, that the one and one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Every person storing, using or otherwise consuming in this state such tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department of revenue under such rules and regulations as the commissioner of revenue may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer."

Section 2. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | deGraffenried | Hand     | Mitchem   |
| Bedford   | Dixon         | Hilliard | Rice      |
| Bedsole   | Drinkard      | Holmes   | Sanders   |
| Bennett   | Foshee        | Horn     | Smith (B) |
| Cabaniss  | Goodwin       | Menton   | Smith (J) |
| Campbell  |               |          |           |

—20

Nays:

—0

Senator Rice then offered the following amendment to the Bill, S. B. 396, as amended by the substitute, to-wit:

**AMENDMENT TO S. B. 396, AS AMENDED**

Amend S. 396, as amended, as follows:

In section 1 of the quoted subsection (a) of the quoted section 40-23-61, on page 2, line 4, add the following additional underlined language as a continuation of said subsection (a):

It is further provided, however, that if a retailer follows the suggested sales tax brackets of the department of revenue, and if the retailer's records prove that his use of said suggested brackets result in a new undercollection of tax for the month, then the retailer may report either the tax due or the tax collected, whichever is less.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Menton    |
| Amari     | Covington     | Goodwin  | Mitchem   |
| Bedford   | deGraffenried | Hand     | Parsons   |
| Bedsole   | Denton        | Hilliard | Rice      |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Cabaniss  | Ellis         | Horn     | Smith (J) |
| Campbell  |               |          |           |

—24

*Nays:* —0

And said Bill, S. B. 396, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Menton    |
| Amari     | Covington     | Hale     | Mitchem   |
| Bailey    | deGraffenried | Hand     | Parsons   |
| Bedsole   | Denton        | Hilliard | Rice      |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Cabaniss  | Ellis         | Horn     | Smith (J) |
| Campbell  | Figures       | Manley   |           |

—26

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., S. B. 397, adopted.

Yeas 20; Nays 0.

Yeas:

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Cabaniss  | Ellis    | Manley    |     |
| Amari     | Campbell  | Hand     | Menton    |     |
| Bailey    | Covington | Hilliard | Parsons   |     |
| Bedford   | Denton    | Holmes   | Rice      |     |
| Bedsole   | Dixon     | Horn     | Smith (B) |     |
| Bennett   |           |          |           | —20 |

Nays: —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 397. To amend Section 40-23-2, Code of Alabama 1975, to provide that any over collection of sales tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

was taken up.

Senator Rice offered the following substitute for the Bill, S. B. 397, to-wit:

#### SUBSTITUTE FOR S. B. 397

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 40-23-2 and 40-23-37, Code of Alabama 1975, to provide that any overcollection of sales tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-2, Code of Alabama 1975, is hereby amended to read as follows:

“§40-23-2. Tax levied on gross receipts.

“There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

“(1) Upon every person, firm, or corporation, (including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks,

nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to four percent of the gross proceeds of sales of the business, or the amount of tax collected by the retailer, whichever is greater, except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

“Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part of tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

“(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where as admission fee is charged, including public bathing places, public dance halls of every kind and description within the state of Alabama, an amount equal to four percent of the gross receipts of any such business, or the amount of tax collected by the retailer, whichever is greater.

“(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines, or the amount of tax collected by the retailer, whichever is greater; provided, that the term ‘machines,’ as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to one and one-half percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer, or house trailer, or the amount of tax collected by the retailer, whichever is greater, provided, however, where a person subject to the tax provided for in this subdivision withdraws from his stock in trade

any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

"Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business."

Section 2. Section 40-23-37, Code of Alabama 1975, is hereby amended to read as follows:

"§40-23-37. Agricultural machinery and equipment—Tax imposed; rate.

"There is hereby levied, in lieu of the state sales tax levied by section 40-23-2, a privilege or license tax against the person on account of the business activities engaged in and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be as follows:

"Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one and one-half percent of the gross proceeds of the sale thereof, or the amount of tax collected by the retailer, whichever is greater; provided, that the one and one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or

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used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 1.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Dixon    | Horn      |
| Amari     | Campbell      | Foshee   | Parsons   |
| Bailey    | Covington     | Hand     | Rice      |
| Bedford   | deGraffenried | Hilliard | Smith (B) |
| Bedsole   | Denton        | Holmes   | Smith (J) |
| Bennett   | Dial          |          |           |

—21

*Nay:* Senator Manley —1

On motion of Senator Rice, further consideration of the Bill, S. B. 397, as thus amended, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Smith (J), B. I. R., H. B. 102, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Dixon    | Horn      |
| Amari     | Campbell      | Goodwin  | Manley    |
| Bailey    | Corbett       | Hale     | Menton    |
| Barron    | Covington     | Hand     | Rice      |
| Bedford   | deGraffenried | Hilliard | Sanders   |
| Bedsole   | Denton        | Holmes   | Smith (J) |
| Bennett   | Dial          |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 102. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Limestone County Commission to dispose of dead animals and excavate human graves.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Dixon    | Horn      |     |
| Amari     | Campbell      | Goodwin  | Manley    |     |
| Bailey    | Corbett       | Hale     | Menton    |     |
| Barron    | Covington     | Hand     | Rice      |     |
| Bedford   | deGraffenried | Hilliard | Sanders   |     |
| Bedsole   | Denton        | Holmes   | Smith (J) |     |
| Bennett   | Dial          |          |           | —25 |
| Nays:     |               |          |           | —0  |

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 535. To amend Section 6-5-481 of the Code of Alabama 1975, relating to definitions of terms used in the Alabama Medical Liability Act so as to provide further for the definition of the terms "Other Health Care Providers" and "Professional Corporation."

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Holley, Zoghby, and Knight.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 535, the title of which is set out in the foregoing Message from the House.

Yeas 23; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Goodwin  | Parsons   |     |
| Amari     | deGraffenried | Hale     | Preuitt   |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Dial          | Hilliard | Sanders   |     |
| Bennett   | Dixon         | Holmes   | Smith (B) |     |
| Cabaniss  | Foshee        | Manley   | Smith (J) | —23 |
| Nays:     |               |          |           | —0  |

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Foshee, Manley, and Preuitt.

**BILLS ON THIRD READING RESUMED**

THE BILL:

S. 233. To make certain legislative findings, to define terms for the purposes of this act; to grant certain immunity from suit and civil liability



for certain officers, directors, trustees and members of governing bodies of not-for-profit corporations, associations or organizations which are exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended; not-for-profit corporations, associations or organizations which are organized pursuant to Sections 10-3A-2, 22-51-1, 22-51-2, 22-51-3, 22-51-4, 22-51-5, 22-51-6, 22-51-7, 22-51-8, 22-51-9, 22-51-10, 22-51-11, 22-51-12, 22-51-13, and 22-51-14 of the Code of Alabama 1975, self-insured funds established pursuant to Sections 11-26-1, 11-26-2, 11-30-2 or 25-5-9, Code of Alabama 1975, or other legal authority; and boards, authorities or commissions the members of which are appointed by the governing body or bodies of any county or municipality, or by the Governor or other constitutional officers or members of the legislature, pursuant to legislative or constitutional authorization, or the members of which are constitutionally or legislatively delegated.

was taken up.

Senator Amari offered the following substitute for the Bill, S. B. 233, to-wit:

**SUBSTITUTE FOR S. B. 233**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make certain legislative findings, to define terms for the purposes of this act; to grant certain immunity from suit and civil liability for certain officers, directors, and trustees of governing bodies of not-for-profit corporations, associations or organizations which are exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended; not-for-profit corporations, associations or organizations which are organized pursuant to Sections 10-3A-2, 22-51-1, 22-51-2, 22-51-3, 22-51-4, 22-51-5, 22-51-6, 22-51-7, 22-51-8, 22-51-9, 22-51-10, 22-51-11, 22-51-12, 22-51-13, and 22-51-14 of the Code of Alabama 1975, self-insured funds established pursuant to Sections 11-26-1, 11-26-2 or 11-30-2, and trade associations organized under 25-5-9, Code of Alabama 1975; and boards, authorities or commissions the members of which are appointed by the governing body or bodies of any county or municipality, or by the Governor or other constitutional officers or members of the legislature, pursuant to legislative or constitutional authorization, or the members of which are constitutionally or legislatively delegated.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The legislature finds and declares that the services of certain not-for-profit corporations, organizations, associations, boards, authorities and commissions are critical to the efficient conduct and management of the public, civic and charitable affairs of the citizens of the state. Non-compensated voluntary officers of such not-for-profit entities must be permitted to operate without undue concern for the possibility of litigation arising from the discharge of their duties as policymakers.

Section 2. The following terms shall have the following respective meanings for the purposes of this act:

**(a) QUALIFIED ENTITY—**

(1) Any not-for-profit corporation, association or organization which is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended;

(2) Any not-for-profit corporation, association or organization which is organized pursuant to Section 10-3A-2 of the Code of Alabama 1975;

(3) Any organization organized under Sections 22-51-1, 22-51-2, 22-51-3, 22-51-4, 22-51-5, 22-51-6, 22-51-7, 22-51-8, 22-51-9, 22-51-10, 22-51-11, 22-51-12, 22-51-13, and 22-51-14 of the Code of Alabama 1975;

(4) Any self-insured fund established pursuant to Section 11-26-1, 11-26-2, or 11-30-2, and trade associations organized under 25-5-9 of the Code of Alabama 1975, but nothing herein shall be construed to immunize the entity itself.

(5) Any board, authority or commission the members of which are appointed by the governing body or bodies of any county or municipality, or by the Governor or other constitutional officer or member of the legislature pursuant to legislative or constitutional authorization, or the members of which are constitutionally or legislatively delegated.

Section 3. Any officer of a qualified entity shall be immune from suit and not subject to civil liability arising from the conduct of the affairs of such qualified entity except when the act or omission of such officer, which gives rise to a cause of action, amounts to willful or reckless or wanton misconduct or gross negligence, or fraud, or bad faith. Nothing contained in this section shall be construed to benefit recovery from or provide immunity to the owner or the operator of a motor vehicle for actions arising out of the operation or ownership of a motor vehicle. The immunity granted herein shall not be construed to relieve qualified entities from responsibility for the acts or omissions of its officers as herein above defined. Further, the provisions of this act are not intended to immunize any individual who receives compensation from the entity or any parent or subsidiary entity thereof.

Section 4. Nothing in this act shall be construed to affect any civil action brought by any qualified entity against any officer of such qualified entity or to create any liability that did not exist prior to the act's passage or to diminish any immunity from suit or liability now enjoyed by a qualified entity or any officer thereof.

Section 5. Compensation is defined as any amount that is not actual expenses or a reasonable per diem paid to a board member. The per diem can not be more than \$300 per day.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, this act shall not affect the rights of any person if such right accrued prior to the effective date of this act.

Which was adopted.

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Yeas 26; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Figures  | Menton    |     |
| Amari     | Corbett       | Foshee   | Parsons   |     |
| Bailey    | deGraffenried | Hale     | Preuitt   |     |
| Bedford   | Denton        | Hand     | Sanders   |     |
| Bedsole   | Dial          | Hilliard | Smith (B) |     |
| Bennett   | Dixon         | Holmes   | Smith (J) |     |
| Cabaniss  | Ellis         | Manley   |           | —26 |

*Nays:* —0

And said Bill, S. B. 233, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

*Yeas:*

|           |               |          |         |     |
|-----------|---------------|----------|---------|-----|
| Senators: | Cabaniss      | Ellis    | Holmes  |     |
| Amari     | Campbell      | Figures  | Manley  |     |
| Bailey    | Corbett       | Foshee   | Menton  |     |
| Bedford   | deGraffenried | Hale     | Preuitt |     |
| Bedsole   | Denton        | Hand     | Sanders |     |
| Bennett   | Dixon         | Hilliard |         | —22 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Parsons requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Parsons, B. I. R., S. B. 236, adopted.

Yeas 18; Nays 0.

*Yeas:*

|               |         |          |           |     |
|---------------|---------|----------|-----------|-----|
| Senators:     | Denton  | Hale     | Menton    |     |
| Bedford       | Dixon   | Hand     | Preuitt   |     |
| Bedsole       | Figures | Hilliard | Sanders   |     |
| Cabaniss      | Foshee  | Holmes   | Smith (J) |     |
| deGraffenried | Goodwin | Manley   |           | —18 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 236. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to provide that certain types of litter and littering shall constitute prima facie evidence of an individual's criminal actions.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 236, to-wit:

**SUBSTITUTE FOR S. B. 236**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to provide that certain types of litter and littering shall constitute prima facie evidence of an individual's criminal actions.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 13A-7-29, Code of Alabama 1975, is hereby amended to read as follows:

“§13A-7-29.

“(a) A person commits the crime of criminal littering if he:

“(1) Knowingly deposits in any manner litter on any public or private property or in any public or private waters, having no permission to do so; or

“(2) Negligently deposits in any manner glass or other dangerously pointed or edged objects on or adjacent to water to which the public has lawful access for bathing, swimming or fishing, or on or upon a public highway, or within the right of way thereof; or

“(3) Discharges sewage, oil products or litter from a watercraft vessel of more than 25 feet in length into a river, inland lake or stream within the state or within three miles of the shoreline of the state; or

“(4) a. Drops or permits to be dropped or thrown upon any highway any destructive or injurious material and does not immediately remove the same or cause it to be removed; or

“b. Removes a wrecked or damaged vehicle from a highway and does not remove glass or other injurious substance dropped upon the highway from such vehicle.

“(b) ‘Litter’ means rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris or any foreign substance of whatever kind and description, and whether or not it is of value.

“(c) It is no defense under subsections (a) (3) and (a) (4) of this section that the actor did not intend, or was unaware of, the act charged.

“(d) Mail or other personal items bearing the name or address of the recipient or former owner thereof among litter unlawfully deposited shall constitute prima facie evidence that the person whose name or address appears on said mail or other personal item unlawfully deposited said litter. Said prima facie evidence shall be sufficient to prosecute said person for violating the provisions of this section.

“(e) Criminal littering is a Class C misdemeanor.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Bedsole, said substitute was laid on the table.

Senator Bedsole then offered the following substitute for the Bill, S. B. 236, to-wit:

**SUBSTITUTE FOR S. B. 236**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 13A-7-29, Code of Alabama 1975, which provides for the crime of criminal littering, so as to provide further for said offenses and the penalties for violations thereof.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 13A-7-29, Code of Alabama 1975, is hereby amended to read as follows:

“§13A-7-29.

“(a) A person commits the crime of criminal littering if he:

“(1) Knowingly deposits in any manner litter on any public or private property or in any public or private waters, having no permission to do so; or

“(2) Negligently deposits in any manner glass or other dangerously pointed or edged objects on or adjacent to water to which the public has lawful access for bathing, swimming or fishing, or on or upon a public highway, or within the right of way thereof; or

“(3) Discharges sewage, oil products or litter from a watercraft vessel of more than 25 feet in length into a river, inland lake or stream within the state or within three miles of the shoreline of the state; or

“(4) a. Drops or permits to be dropped or thrown upon any highway any destructive or injurious material and does not immediately remove the same or cause it to be removed; or

“b. Removes a wrecked or damaged vehicle from a highway and does not remove glass or other injurious substance dropped upon the highway from such vehicle.

“(b) ‘Litter’ means rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris or any foreign substance of whatever kind and description, and whether or not it is of value.

“(d) Any litter deposited on any public or private property or waters without permission and bearing a person's name or address shall constitute prima facie evidence that the person whose name or address appears on the litter deposited or caused the litter to be deposited there. This subsection does not apply to those manufacturers, distributors or sellers whose names appear on the containers of products manufactured, distributed or sold by them.

“(e) The Division of Motor Vehicles shall include a summary of this section with each registration and new vehicle operator license issued. The Division of Motor Vehicles shall include a summary of this section in the

next revision and printing of the driver's license information materials and shall include at least one question concerning this section in the driving license examination.

"(e) (f) It is no defense under subsections (a)(3) and (a)(4) of this section that the actor did not intend, or was unaware of, the act charged.

"(d) (g) Criminal littering is a Class C misdemeanor.

"Provided, however:

"(1) A mandatory fine shall be imposed of not less than \$20 nor more than \$500 upon a first conviction;

"(2) A mandatory fine shall be imposed of not less than \$50 nor more than \$1,000 upon a second conviction;

"(3) A mandatory fine shall be imposed of not less than \$100 nor more than \$1,000 upon a third or subsequent conviction; and

"(4) In addition to any other penalty, the court shall have the authority to suspend the offender's driver's license for a period not exceeding 30 days.

"Provided, further, it is in the discretion of the court, upon the conviction of any person and the imposition of a fine under this section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person gather and remove from specified public property or specified private property, with prior permission of the owner or tenant in lawful possession thereof, any litter found thereon, or upon the condition that the convicted person pick up litter at a time prescribed by, and a place within the jurisdiction of, the court for not less than 8 hours upon a first conviction or for not less than 16 hours upon a second or subsequent conviction.

(h) It shall be unlawful for any person, firm, corporation, institution, or organization to transport any loose cargo by truck or other motor vehicle unless said cargo is covered or secured in such manner as to prevent depositing of litter on public and private property.

(i) Every law enforcement officer in this state, including but not limited to, Alabama State Troopers, County Sheriffs and their Deputies, Municipal Police, Wardens of the Department of Conservation and Natural Resources, Forest Law Enforcement Officer, and Park Rangers shall have authority to enforce the provisions of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | deGraffenried | Foshee  | Manley    |
| Bedford   | Denton        | Goodwin | Menton    |
| Bedsole   | Dial          | Hale    | Parsons   |
| Bennett   | Drinkard      | Hand    | Preuitt   |
| Cabaniss  | Ellis         | Holmes  | Rice      |
| Corbett   | Figures       | Horn    | Smith (B) |
| Covington |               |         |           |

Nays:

—24

—0

On motion of Senator Parsons, further consideration of the Bill, S. B. 236, as amended, was postponed subject to the call of the Chair.

### RECESS

At 12:55 P.M., on motion of Senator Corbett, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### BUDGET ISOLATION RESOLUTION

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator deGraffenried, B. I. R., S. B. 242, adopted.

Yeas 15; Nays 3.

*Yeas:*

|               |          |          |           |     |
|---------------|----------|----------|-----------|-----|
| Senators:     | Dial     | Hilliard | Preuitt   |     |
| Bailey        | Drinkard | Holmes   | Rice      |     |
| Covington     | Foshee   | Horn     | Smith (B) |     |
| deGraffenried | Hale     | Manley   | Smith (J) | —15 |

*Nays:*

|           |       |         |         |    |
|-----------|-------|---------|---------|----|
| Senators: | Amari | Corbett | Parsons | —3 |
|-----------|-------|---------|---------|----|

### BILLS ON THIRD READING RESUMED

#### THE BILL:

S. 242. To authorize State Troopers to retire with twenty-five years service and to provide for the formula to be used in calculating retirement benefits.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Foshee   | Manley    |     |
| Amari     | Dial          | Hale     | Preuitt   |     |
| Bedsole   | Dixon         | Hilliard | Sanders   |     |
| Cabaniss  | Drinkard      | Holmes   | Smith (B) |     |
| Corbett   | Figures       | Horn     | Smith (J) |     |
| Covington |               |          |           | —20 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., S. B. 321, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |        |         |     |
|-----------|----------|--------|---------|-----|
| Senators: | Campbell | Foshee | Menton  |     |
| Bailey    | Corbett  | Hale   | Mitchem |     |
| Barron    | Denton   | Hand   | Parsons |     |
| Bedford   | Dial     | Holmes | Preuitt |     |
| Bedsole   | Dixon    | Horn   | Rice    |     |
| Bennett   | Ellis    | Manley | Sanders |     |
| Cabaniss  | Figures  |        |         | —25 |

Nays:

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 321. To propose an amendment to the Constitution of Alabama of 1901, to authorize the county governing body and the governing body of any municipality in Calhoun County to appropriate public funds to any non-profit charity and to provide that the provisions of this amendment shall be self-executing.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

|           |           |         |         |     |
|-----------|-----------|---------|---------|-----|
| Senators: | Campbell  | Figures | Horn    |     |
| Amari     | Corbett   | Foshee  | Manley  |     |
| Bailey    | Covington | Goodwin | Menton  |     |
| Barron    | Denton    | Hale    | Parsons |     |
| Bedsole   | Dial      | Hand    | Rice    |     |
| Bennett   | Dixon     | Holmes  | Sanders |     |
| Cabaniss  | Ellis     |         |         | —25 |

Nays:

—0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 140. SPECIAL ORDER CALENDAR.**

**RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the nineteenth legislative day of the 1987 Regular Session only:

**Bills on Third Reading**

| BILL NO. | DESCRIPTION                                                                                                    | PAGE NO. |
|----------|----------------------------------------------------------------------------------------------------------------|----------|
| H. 346   | Abortion, on minor, parental consent req., penalties.                                                          | 87       |
| S. 286   | Tort reform, statute of limitations on civil actions arising out of work performed by architects and engineers | 55       |



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|        |                                                                                                                                                                 |     |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| S. 285 | Tort reform, statute of limitations on cert. civil actions against materialmen                                                                                  | 54  |
| S. 259 | Insurance, continuing education requirements for salespersons. Sec. 27-3-27 am'd.                                                                               | 45  |
| S. 236 | Littering, crime of, cert. types constitute prima facie evidence of crime, Sec. 13A-7-29 am'd.                                                                  | 69  |
| H. 207 | Appropriations, to La., Miss., and Al., rapid rail transit comm. to est. rail passenger service between Birmingham, Montg., and Mobile, general fund.           | 95  |
| S. 339 | Liquefied Petroleum Gas Bd., powers, duties, authorities and requirements, further reg., creation of bond fund, Sec. 9-17-105 am'd.                             | 30  |
| H. 184 | Court costs, increased                                                                                                                                          | 111 |
| S. 229 | Motor vehicles, licensing and tax, RV's excluded from truck tax fees, effective on passage of distinctive license plates, Sec. 40-12-240 am'd.                  | 42  |
| S. 390 | Dept. of Corrections, cert. personnel, full and unlimited police powers and jurisdiction, Sec. 14-3-9 am'd.                                                     | 113 |
| S. 302 | Notifiable diseases, state board of health duties                                                                                                               | 48  |
| S. 392 | Huntsville Depot, desig. as official st. railway museum                                                                                                         | 39  |
| S. 12  | Budgets, reserve of 5% of previous year's appropriation req. in gen. fund and special educational trust fund, consti. amend.                                    | 54  |
| S. 467 | State Council on Arts and Humanities, named changed, Sec. 41-9-41 am'd.                                                                                         | 77  |
| S. 357 | Trailers, cotton module-movers exempt from trailer restrictions same as cotton wagons, Sec. 32-9-2 am'd.                                                        | 63  |
| S. 242 | State troopers, retirement alt.                                                                                                                                 | 94  |
| S. 351 | Teachers Retirement System, city and county superintendents of education eligible to participate as legislature determines, Const. 1901, ART IV, Sec 98 amended | 62  |
| S. 352 | Teachers' Retirement System, any elected supt. of ed., auth. to join                                                                                            | 61  |
| S. 413 | Nuts, bulbs, fruits and vegetables, promotion of by assessment, intermediary referendum auth. to modify existing assessment, Sec. 2-8-135 am'd.                 | 64  |

|        |                                                                                                     |    |
|--------|-----------------------------------------------------------------------------------------------------|----|
| S. 102 | Employers' liabilities, pooling permitted so as to secure reinsurance, Sec. 25-5-9 am'd.            | 3  |
| S. 119 | Youthful offender status, not available to persons violating motor vehicle laws, Sec. 15-19-1 am'd. | 57 |
| S. 396 | Use Tax, over collection of, paid to state, Sec. 40-23-61 am'd.                                     | 52 |
| S. 397 | Sales tax, over collection of, paid to state, Sec. 40-23-2 am'd.                                    | 53 |
| S. 506 | City councils, elected by districts, Sec. 11-43-40 am'd.                                            | 98 |

Senator Hilliard moved that consideration of the Resolution, S. R. 140, be postponed until the Thirtieth Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 447. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County and the operation of said probate judge's office.

Also:

H. 448. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Perry County and the operation of said probate judge's office.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 40. Relating to Morgan County; authorizing the county to pay all its employees whose compensation is provided for by local act bi-weekly instead of semi-monthly and to repeal all provisions of all local acts which conflict with this act.

Also:

H. 180. To authorize a procedure whereby the Sheriff of Morgan County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Morgan County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two (2) weeks in a newspaper of general circulation published in Morgan County, Alabama, or by posting in a conspicuous place at the Morgan County Courthouse; to provide that the first publication or posting of said notice shall be twenty (20) days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Morgan County, Alabama, may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid to the Sheriff's Department of Morgan County, Alabama.

Also:

H. 182. Relating to Morgan County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **RESOLUTION**

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 141. RECOGNIZING THE GFWC-ALABAMA FEDERATION OF WOMEN'S CLUBS AND THE CONTRIBUTIONS THEREOF FOR PROMOTING COMMON INTERESTS IN ARTS, EDUCATION, MORAL AND SPIRITUAL VALUES, PHILANTHROPY, AND PUBLIC WELFARE THROUGHOUT OUR STATE AND NATION.

Which was filed.

### **FURTHER CONSIDERATION OF S. R. 140**

The Senate proceeded to further consideration of the Resolution, S. R. 140. The question was on the motion of Senator Hilliard that further

consideration of the Resolution, S. R. 140, be postponed until the Thirtieth Legislative Day.

### MOTION TO ADJOURN LOST

At 2:55 P.M., Senator Hilliard moved that the Senate adjourn until Tuesday, June 23, 1987, at 11 o'clock A.M., which motion was lost.

Yeas 6; Nays 14.

*Yeas:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Hilliard | Sanders |    |
| Bedford   | Figures | Horn     |         | —6 |

*Nays:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Denton   | Hale   | Menton    |     |
| Bailey        | Dial     | Hand   | Preuitt   |     |
| Bedsole       | Dixon    | Holmes | Smith (B) |     |
| deGraffenried | Drinkard | Manley |           | —14 |

### FURTHER CONSIDERATION OF S. R. 140

The Senate proceeded to further consideration of the Resolution, S. R. 140. The question was on the motion of Senator Hilliard that further consideration of the Resolution, S. R. 140, be postponed until the Thirtieth Legislative Day.

On motion of Senator Hilliard, his motion to postpone was laid on the table.

Senator Smith (J) offered the following substitute for the Resolution, S. R. 140, to-wit:

### SUBSTITUTE FOR S. R. 140

S. R. 140. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the nineteenth legislative day of the 1987 Regular Session only:

2. Bills on Third Reading

| BILL NO. | DESCRIPTION                                           | PAGE NO. |
|----------|-------------------------------------------------------|----------|
| H. 346   | Abortion, on minor, parental consent req., penalties. | 87       |

Which was adopted.

And on motion of Senator Smith (J), the Resolution, S. R. 140, as thus amended by the substitute, was then adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 346, adopted.

Yeas 21; Nays 1.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Cabaniss      | Ellis   | Holmes    |
| Bailey    | deGraffenried | Figures | Manley    |
| Barron    | Denton        | Foshee  | Menton    |
| Bedford   | Dial          | Hale    | Rice      |
| Bedsole   | Dixon         | Hand    | Smith (J) |
| Bennett   | Drinkard      |         |           |

—21

Nay: Senator Corbett —1

### SPECIAL ORDER

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 346. To provide that no person shall perform an abortion on an unemancipated minor without parental involvement of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

Senator Bailey offered the following substitute for the Bill, H. B. 346, to-wit:

#### SUBSTITUTE FOR H. B. 346

##### A BILL TO BE ENTITLED AN ACT

To provide that no person shall perform an abortion on an unemancipated minor without parental consent of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

#### Section 1. Legislative Purpose and Findings.

(a) It is the intent of the Legislature in enacting this parental consent provision to further the important and compelling state interests of: 1) protecting minors against their own immaturity, 2) fostering the family structure and preserving it as a viable social unit, and 3) protecting the rights of parents to rear children who are members of their household.

(b) The Legislature finds as fact that: 1) immature minors often lack the ability to make fully informed choices that take account of both immediate and long-range consequences, 2) the medical, emotional and psychological consequences of abortion are serious and can be lasting, particularly when the patient is immature, 3) the capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related, 4) parents ordinarily possess information essential to a physician's exercise of his best medical judgment concerning the child, and 5) parents who are aware that their minor daughter has had an abortion may better insure that she receives adequate medical attention after her abortion. The

Legislature further finds that parental consultation is usually desirable and in the best interests of the minor.

Section 2. For purposes of this act, the following definitions shall apply:

- (a) "Minor" means any person under the age of eighteen (18) years;
- (b) "Emancipated minor" means any minor who is or has been married or has by court order otherwise been legally freed from the care, custody and control of her parents;
- (c) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant, with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead or dying unborn child.

Section 3. (1) Except as otherwise provided in subsections (2) and (5) of this section and Sections 4 and 5 hereof, no person shall perform an abortion upon an unemancipated minor unless he or his agent first obtains the written consent of either parent or the legal guardian of the minor.

(2) (a) If the minor's parents are divorced or otherwise unmarried and living separate and apart, then the written consent of the parent with legal custody, care and control of such minor shall be sufficient.

(b) If the minor's pregnancy was caused by sexual intercourse with the minor's natural father, adoptive father or stepfather or legal guardian, then the written consent of the minor's mother shall be sufficient.

(3) The person who shall perform the abortion or his agent shall obtain or be provided with the written consent from either parent or legal guardian stating the names of the minor, parent or legal guardian, that he or she, is informed that the minor desires an abortion and does consent to the abortion, the date, and shall be signed by either parent or legal guardian. The emancipated minor shall verify on the same form, by her signature and in the presence of such person who shall perform the abortion or his agent, that said signature of the parents, parent or legal guardian is authentic. The consent shall be kept as a part of the minor's patient file for seven years.

(4) If the minor is emancipated, the person who shall perform the abortion or his agent shall obtain a written statement stating the name of the emancipated minor, that the minor is emancipated, the type of emancipation, the date and shall be signed by the minor. The written statement shall be signed in the presence of the person who shall perform the abortion or his agent and witnessed by him or the agent. The emancipated minor shall also provide a license or certificate of marriage, judgment or decree of divorce, order of emancipation or relieving her of the disabilities of nonage, or other court document evidencing her marriage, divorce, or emancipation. A copy of any such document shall be attached to the written statement and kept as a part of the minor's patient file for seven years.

(5) A minor who elects not to seek or does not or cannot for any reason, including unavailability or refusal by either or both parents or legal guardian, obtain consent from either of her parents or legal guardian under this section, may petition, on her own behalf, the juvenile court, or court of equal standing, in the county in which the minor resides or in the county in which the abortion is to be performed for a waiver of the consent requirement of this section pursuant to the procedure of Section 4 of this act.

Section 4. (1) A minor who elects not to seek or does not or cannot for any reason, obtain consent from either of her parents or legal guardian, may petition, on her own behalf, the juvenile court, or the court of equal standing, in the county in which the minor resides or in the county in which the abortion is to be performed for a waiver of the consent requirement of this act. Notice by the court to the minor's parents, parent or legal guardian shall not be required or permitted. The requirements and procedures under this act shall apply and are available to minors whether or not they are residents of this state.

(2) The minor may participate in proceedings in the court on her own behalf. The court shall advise her that she has a right to court-appointed counsel and shall provide her with such counsel upon her request or if she is not already adequately represented. If the minor petitioner chooses to represent herself, such pleadings, documents or evidence that she may file with the court shall be liberally construed by the court so as to do substantial justice. Hearsay evidence shall be admissible.

(3) The court shall insure that the minor is given assistance in preparing and filing the petition and shall insure that the minor's identity is kept confidential. Such assistance may be provided by court personnel including intake personnel of juvenile probation services.

(4) The petition required in Section 3 (5) shall be made under oath and shall include all of the following:

(a) A statement that the petitioner is pregnant;

(b) A statement that the petitioner is unmarried, under eighteen (18) years of age, and unemancipated;

(c) A statement that the petitioner wishes to have an abortion without the consent of either parent or legal guardian;

(d) An allegation of either or both of the following:

(i) That the petitioner is sufficiently mature and well enough informed to intelligently decide whether to have an abortion without the consent of either of her parents or legal guardian.

(ii) That one or both of her parents or her guardian has engaged in a pattern of physical, sexual, or emotional abuse against her, or that the consent of her parents, parent or legal guardian otherwise is not in her best interest.

(e) A statement as to whether the petitioner has retained an attorney and the name, address and telephone number of her attorney.

(5) Court proceedings shall be given such precedence over other pending matters as is necessary to insure that the court may reach a decision promptly, but in no case, except as provided herein, shall the court fail to rule within seventy-two (72) hours of the time the petition is filed, Saturdays, Sundays, and legal holidays excluded. Provided, however, this time requirement may be extended on the request of the minor. If a juvenile court judge is not available for the hearing provided herein, the clerk of the court in which the petition was filed shall forthwith notify the presiding circuit court judge and the presiding circuit court judge of the circuit shall immediately appoint a district or circuit court level judge to hear the petition.

(6) The required consent shall be waived if the court finds either:

(a) That the minor is mature and well-informed enough to make the abortion decision on her own; or

(b) That performance of the abortion would be in the best interest of the minor.

(7) A court that conducts proceedings under this section shall issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record of the evidence be maintained for at least seven years. A transcript of the proceedings shall be recorded and if there is an appeal as provided in subsection (8), a transcript of the proceedings shall be prepared forthwith.

(8) An expedited confidential and anonymous appeal shall be available to any minor to whom the court denies a waiver of consent. If notice of appeal is given, the record of appeal shall be completed and the appeal shall be perfected within five (5) days from the filing of the notice of appeal. Briefs shall not be required but may be permitted. Because time may be of the essence regarding the performance of the abortion, the Alabama Supreme Court shall issue promptly such additional rules as it deems are necessary to insure that appeals under this section are handled in an expeditious, confidential and anonymous manner.

(9) All proceedings under this act shall be confidential and anonymous. In all pleadings or court documents, the minor shall be identified by initials only.

(10) No fees or costs shall be required of any minor who avails herself of the procedures provided by this section.

Section 5. This act shall not apply when, in the best clinical judgment of the attending physician on the facts of the case before him, a medical emergency exists that so compromises the health, safety or well-being of the mother as to require an immediate abortion. A physician who does not comply with Sections 3 and 4 of this act by reason of this exception shall state in the medical record of the abortion, the medical indications on which his judgment was based.

Section 6. Any person who intentionally performs or causes to be performed an abortion in violation of the provisions of this act or intentionally fails to conform to any requirement of this act, shall be guilty of a Class A misdemeanor.

Section 7. No physician who complies with the parental consent requirements of this act shall be liable in any manner to the minor upon whom the abortion was performed for any claim whatsoever arising out of or based on the disclosure of any information concerning the medical condition of such minor to her parent(s) or legal guardian(s). In no event shall the physician be under any duty to initiate proceedings in any court to secure a waiver of the parental consent requirement on behalf of any minor who has requested that an abortion be performed.

Section 8. (1) Records and information involving court proceedings conducted pursuant to Section 4 of this act shall be confidential and shall not be disclosed other than to the minor, her attorney and necessary court personnel. Nothing in this subsection shall prohibit the keeping of statistical records and information as long as the anonymity of the minor is in no way compromised.



(2) Any person who shall disclose any records or information made confidential pursuant to subsection (1) of this section shall be guilty of a Class C misdemeanor.

(3) Provided, however, any person who performs abortions, or his agent, shall furnish to the bureau of vital statistics, on confidential forms furnished by the bureau, the following: 1) the number of abortions performed on each unemancipated and emancipated minors with written consent; 2) the number of abortions performed on each unemancipated and emancipated minors pursuant to juvenile or other court proceedings pursuant to Section 3(5) of this act; and 3) the number of abortions performed pursuant to Section 5 of this act in each unemancipated and emancipated minors. Such reporting shall be provided annually as prescribed by the bureau of vital statistics which shall be retained by the bureau for at least seven years. Such information prescribed shall include nonconfidential statistics, including but not limited to: age, race and education level of minor.

Section 9. No provision of this act shall be subject to the Administrative Procedure Act.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. The provisions of this act are severable. If any part, word or phrase of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Campbell      | Figures | Parsons   |
| Amari     | deGraffenried | Foshee  | Preuitt   |
| Bailey    | Denton        | Hale    | Rice      |
| Barron    | Dial          | Hand    | Sanders   |
| Bedford   | Dixon         | Holmes  | Smith (B) |
| Bedsole   | Drinkard      | Manley  | Smith (J) |
| Cabaniss  | Ellis         | Menton  |           |

—26

Nays: —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 489. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

Also:

S. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Heflin, in Cleburne County.

JOHN W. PEMBERTON,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 19. To require certain deer hunters using modern firearms and any person accompanying one hunting deer to wear a minimum of 500 square inches of outer clothing consisting of hunter orange or daylight fluorescent orange or blaze orange camo material during certain hunting seasons and on certain lands; and to provide for penalties for violations.

Also:

S. 148. To propose an amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes; to ratify and approve legislation adopted in furtherance of the powers hereby conferred; and to provide for the adoption hereof.

Also:

S. 158. To provide for the establishment and operation of an Alabama Peace Officers' Hall of Fame Board, and to prescribe its powers and duties.

Also:

S. 233. To make certain legislative findings, to define terms for the purposes of this act; to grant certain immunity from suit and civil liability for certain officers, directors, and trustees of governing bodies of not-for-profit corporations, associations or organizations which are exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended; not-for-profit corporations, associations or organizations which are organized pursuant to Sections 10-3A-2, 22-51-1, 22-51-2, 22-51-3, 22-51-4, 22-51-5, 22-51-6, 22-51-7, 22-51-8, 22-51-9, 22-51-10, 22-51-11, 22-51-12, 22-51-13, and 22-51-14 of the Code of Alabama 1975, self-insured funds established pursuant to Sections 11-26-1, 11-26-2 or 11-30-2, and trade associations organized under 25-5-9, Code of Alabama 1975; and boards, authorities or commissions the members of which are appointed by the

governing body or bodies of any county or municipality, or by the Governor or other constitutional officers or members of the legislature, pursuant to legislative or constitutional authorization, or the members of which are constitutionally or legislatively delegated.

Also:

S. 251. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

Also:

S. 477. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

JIM SMITH,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 364. Relating to Mobile County, to amend Section 5 of Act No. 242, S. B. 79, 1876 Regular Session, as amended, which regulates public schools in the county, so as to provide further for the powers and duties of the county board of education.

JOHN W. PEMBERTON,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 59. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Heflin, in Cleburne County.

Also:

S. 136. To amend Section 22-6-7, Code of Alabama 1975, which authorizes the Medicaid Agency to contract with fiscal intermediaries for the purpose of receiving, processing and paying claims under the medicaid program, so as to provide further for said contracts.

Also:

S. 364. Relating to Mobile County, to amend Section 5 of Act No. 242, S. B. 79, 1876 Regular Session, as amended, which regulates public schools

in the county, so as to provide further for the powers and duties of the county board of education.

Also:

S. 489. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

JIM SMITH,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 346

The Senate proceeded to further consideration of the Bill, H. B. 346, as amended.

Senator Parsons offered the following amendment to the Bill, H. B. 346, as amended, to-wit:

### AMENDMENT TO H. B. 346, AS AMENDED

Amend H. B. 346, as amended, Page 7, Line 10, by inserting after the word misdemeanor. "Any person found guilty under this section shall immediately forfeit any professional license they may hold."

Which was adopted.

Yeas 18; Nays 7.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Campbell      | Figures | Parsons   |     |
| Amari     | Corbett       | Foshee  | Rice      |     |
| Barron    | Covington     | Hale    | Sanders   |     |
| Bedford   | deGraffenried | Horn    | Smith (B) |     |
| Bennett   | Ellis         | Manley  |           | —18 |

*Nays:*

|           |          |          |           |    |
|-----------|----------|----------|-----------|----|
| Senators: | Cabaniss | Drinkard | Preuitt   |    |
| Bailey    | Denton   | Holmes   | Smith (J) | —7 |

Senator Figures offered the following amendment to the Bill, H. B. 346, as amended, to-wit:

### AMENDMENT TO H. B. 346, AS AMENDED

Amend House Bill No. 346, as amended, Page 3, Line 5, by striking out after the word "then" the words "the written consent of" and inserting in lieu thereof the following language

“written notice to”

after “mother” on line 6 insert “by certified mail”

Further amend on Page 7, line 17 by changing the period after the word guardian(s) to a semi-colon and inserting the following language

“provided that a physician who performs an abortion pursuant to a court order obtained under the provisions of this Act, shall not disclose any information regarding same to the parent(s) or legal guardian(s) of the minor unless such disclosure is made pursuant to a court order.”

Which was adopted.

Yeas 18; Nays 8.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Figures  | Parsons   |     |
| Barron    | Corbett       | Hilliard | Rice      |     |
| Bedford   | Covington     | Horn     | Sanders   |     |
| Bedsole   | deGraffenried | Manley   | Smith (B) |     |
| Bennett   | Denton        | Menton   |           | —18 |

*Nays:*

|           |          |        |           |    |
|-----------|----------|--------|-----------|----|
| Senators: | Drinkard | Hand   | Preuitt   |    |
| Bailey    | Ellis    | Holmes | Smith (J) |    |
| Cabaniss  |          |        |           | —8 |

Senator Bedsole offered the following amendment No. 1 to the Bill, H. B. 346, as amended, to-wit:

#### AMENDMENT TO H. B. 346, AS AMENDED

Amend House Bill No. 346, as amended, Page 2, Line 33, by striking out section (2)(a) in its entirety, and renumber subsection (b) to read subsection (a).

Which was adopted.

Yeas 18; Nays 5.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Figures  | Rice      |     |
| Amari     | Covington     | Hilliard | Sanders   |     |
| Bedsole   | deGraffenried | Horn     | Smith (B) |     |
| Bennett   | Drinkard      | Manley   | Smith (J) |     |
| Campbell  | Ellis         | Preuitt  |           | —18 |

*Nays:*

|           |        |      |        |    |
|-----------|--------|------|--------|----|
| Senators: | Denton | Hand | Holmes |    |
| Cabaniss  | Dixon  |      |        | —5 |

Senator Bedsole then offered the following amendment No. 2 to the Bill, H. B. 346, as amended, to-wit:

#### AMENDMENT NO. 2 TO H. B. 346, AS AMENDED

Amend House Bill No. 346, as amended, Page 3 Line 18, by striking out “seven” after the word for and inserting in lieu thereof, the word “two.”

And on page 3, line 32, by striking out "seven" and inserting in lieu thereof, the word "two."

And on page 6, line 11 by striking out "seven" and inserting in lieu thereof, the word "two."

On motion of Senator Bailey, said amendment No. 2 was laid on the table.

Yeas 15; Nays 9.

*Yeas:*

|           |           |        |           |     |
|-----------|-----------|--------|-----------|-----|
| Senators: | Covington | Ellis  | Preuitt   |     |
| Amari     | Denton    | Hand   | Rice      |     |
| Bailey    | Dixon     | Holmes | Smith (B) |     |
| Cabaniss  | Drinkard  | Manley | Smith (J) | —15 |

*Nays:*

|           |          |          |         |    |
|-----------|----------|----------|---------|----|
| Senators: | Campbell | Hale     | Horn    |    |
| Barron    | Corbett  | Hilliard | Sanders |    |
| Bedsole   | Figures  |          |         | —9 |

Senator Horn offered the following amendment to the Bill, H. B. 346, as amended, to-wit:

#### AMENDMENT TO H. B. 346, AS AMENDED

In section 2, page 2, line 17, delete the word and number "eighteen (18)" and in lieu thereof insert the following language:

sixteen (16)

On motion of Senator Bailey, said amendment was laid on the table.

Yeas 20; Nays 6.

*Yeas:*

|           |           |        |           |     |
|-----------|-----------|--------|-----------|-----|
| Senators: | Campbell  | Hale   | Parsons   |     |
| Amari     | Covington | Hand   | Preuitt   |     |
| Bailey    | Denton    | Holmes | Rice      |     |
| Barron    | Dixon     | Manley | Smith (B) |     |
| Bennett   | Ellis     | Menton | Smith (J) |     |
| Cabaniss  |           |        |           | —20 |

*Nays:*

|           |         |          |         |    |
|-----------|---------|----------|---------|----|
| Senators: | Corbett | Hilliard | Sanders |    |
| Bedsole   | Figures | Horn     |         | —6 |

Senator Manley offered the following amendment to the Bill, H. B. 346, as amended, to-wit:

#### AMENDMENT TO H. B. 346, AS AMENDED

Amend House Bill No. 346, as amended, Page 8, Line 12 by deleting Section 9 and renumbering all subsequent sections.

Which was adopted.

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Yeas 22; Nays 4.

*Yeas:*

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Senators: | Covington | Hale     | Parsons   |
| Barron    | Denton    | Hand     | Preuitt   |
| Bedsole   | Dial      | Hilliard | Rice      |
| Bennett   | Dixon     | Horn     | Sanders   |
| Campbell  | Ellis     | Manley   | Smith (B) |
| Corbett   | Figures   | Menton   |           |

—22

*Nays:*

|           |          |        |           |
|-----------|----------|--------|-----------|
| Senators: | Cabaniss | Holmes | Smith (J) |
| Bailey    |          |        |           |

—4

Senator Bedsole offered the following amendment No. 3 to the Bill, H. B. 346, as amended, to-wit:

**AMENDMENT NO. 3 TO H. B. 346, AS AMENDED**

Amend House Bill No. 346, as amended, Page 3, Line 18, by striking out “seven” and by inserting in lieu thereof, the word “four”

and on page 3, line 32 by striking the word “seven” and by inserting in lieu thereof, the word “four”

and on page 6, line 11 by striking the word “seven” and by inserting in lieu thereof, the word “four”

Which was adopted.

Yeas 22; Nays 2.

*Yeas:*

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Senators: | Campbell  | Figures  | Parsons   |
| Amari     | Corbett   | Hale     | Preuitt   |
| Bailey    | Covington | Hand     | Sanders   |
| Barron    | Denton    | Hilliard | Smith (B) |
| Bedsole   | Dixon     | Manley   | Smith (J) |
| Bennett   | Ellis     | Menton   |           |

—22

*Nays:*

|           |          |        |  |
|-----------|----------|--------|--|
| Senators: | Cabaniss | Holmes |  |
|-----------|----------|--------|--|

—2

Senator Bailey offered the following amendment to the Bill, H. B. 346, as amended, to-wit:

**AMENDMENT TO H. B. 346, AS AMENDED**

Amend H. B. 346, as amended, on Page 4, line 20, by deleting: “~~The court shall advise her that she has a right to court appointed counsel and shall provide her with such counsel upon her request or if she is not already adequately represented,~~” and inserting the following: “The court shall advise her that she has a right to be represented by an attorney and that if she is unable to pay for the services of an attorney one will be appointed for her. If the court appoints an attorney to represent her such attorney shall be compensated as provided in Code of Alabama (1975), Section 15-12-21.”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Campbell  | Figures  | Menton    |     |
| Amari     | Corbett   | Hale     | Preuitt   |     |
| Bailey    | Covington | Hand     | Rice      |     |
| Barron    | Denton    | Hilliard | Sanders   |     |
| Bedsole   | Dial      | Holmes   | Smith (B) |     |
| Bennett   | Dixon     | Manley   | Smith (J) |     |
| Cabaniss  | Ellis     |          |           | —25 |

Nays: —0

And said Bill, H. B. 346, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Campbell      | Ellis    | Manley    |     |
| Amari     | Corbett       | Figures  | Menton    |     |
| Bailey    | Covington     | Foshee   | Parsons   |     |
| Barron    | deGraffenried | Goodwin  | Preuitt   |     |
| Bedford   | Denton        | Hale     | Rice      |     |
| Bedsole   | Dial          | Hand     | Sanders   |     |
| Bennett   | Dixon         | Hilliard | Smith (B) |     |
| Cabaniss  | Drinkard      | Holmes   | Smith (J) | —31 |

Nays: —0

Senator Bailey moved that the Senate reconsider the vote by which the Bill, H. B. 346, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## RESOLUTIONS

Senators Parsons, Cabaniss, Amari, Hilliard, Horn, and Bennett requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 142. COMMENDING SOUTHWEST AIRLINES FOR SERVICE TO THE STATE AND CITIZENS OF ALABAMA.

On motion of Senator Parsons, said Resolution was then adopted by the Senate.

Senator Barron offered the following Senate Resolutions, to-wit:

S. R. 143. COMMENDING JEAN BEASLEY OF FORT PAYNE, ALABAMA, ON HER OUTSTANDING CAREER IN PUBLIC EDUCATION.

Also:

S. R. 144. COMMENDING GEORGE B. BEASLEY OF FORT PAYNE, ALABAMA, FOR DISTINGUISHED SERVICE TO ALABAMA PUBLIC SCHOOLS.

Which were filed.



**REPORTS OF COMMITTEES**

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Bennett, Covington, Drinkard, Smith (J), deGraffenried, Corbett, Dixon, Preuitt, Menton, Hale, Barron, Horn, Foshee, and Holmes (With Amendments):

S. 283. To create the Dietetic/Nutrition Licensing Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Preuitt, Rice, Foshee, Campbell, and Smith (J):

S. 422. To repeal §22-6-5 of the Code of Alabama 1975, relating to the retention of eligibility for benefits by Medicaid patients who are in a nursing home and whose incomes increase to amounts exceeding eligibility ceiling.

By Senators Preuitt, Rice, Campbell, and Smith (J):

S. 423. To grant the Alabama Medicaid Agency the authority to contract with a central source for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed five years.

By Senators Barron, Amari, Bennett, Langford, Bedsole, Covington, Hand, Preuitt, Parsons, Hale, Campbell, Holmes, Denton, Figures, Foshee, and Menton:

S. 414. Relating to the regulation of all contracts of insurance or plans or agreements for health care services, so as to provide that such contracts, plans or agreements shall cover and include payment to or for a licensed professional nurse for services provided.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (L):

H. 247. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1988.

By Rep. Reed:

H. 255. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1988.

By Rep. Johnson (RG):

H. 261. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1988.

By Reps. Frazier and Hogan:

H. 266. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1988.

By Rep. Bryant:

H. 268. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1988.

By Reps. Haynes and Johnson (RG):

H. 397. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1988.

By Rep. Cosby:

H. 406. Proposing an amendment to the Constitution to permit elected superintendents and any other officials not elected by a state wide ballot to participate in such state retirement plans that are established by law; to further provide that any member of the state retirement plan who is elected to a state wide office may continue such participation during his term of office.

The above Bill was read a second time at length as required by the Constitution.

By Senator Hand:

S. 533. To provide for the method of filing applications for allocations of a portion of the "State ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "State ceiling" and conditions subsequent to such allocations; to allocate the entire "State ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State ceiling" at the discretion of the State Industrial Development Authority; to impose certain limitations upon allocations made to local issuers of affected bonds; to provide a procedure for carryforward allocations; to establish an effective date; and to designate the President of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Campbell, Amari, Bedford, Hale, Foshee, Denton, Corbett, Goodwin, Menton, Covington, Bennett, Holmes, and Sanders:

S. 87. To amend Section 13A-10-1, Code of Alabama, 1975, relating to definitions so as to define certain school records as "governmental records" and to include school systems and institutions in the definition of government so as to make it illegal to knowingly falsify certain school records.

By Senator Goodwin:

S. 468. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize retired probate judges to solemnize marriages.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Figures, Menton, and Amari (With Amendment):

S. 521. To define the crime of juror harassment; to prescribe for criminal felony punishment.

By Senators Menton and Dixon (With Amendment):

S. 528. To amend Section 12-21-131, Code of Alabama 1975, which relates to interpreters for judicial proceedings for persons defective in speech and/or hearing, so as to provide further for such interpreters.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 561. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

By Rep. Junkins:

H. 413. To amend Section 32-8-61 Code of Alabama 1975 in order to provide that delivery to the Department of Revenue of the existing certificate of title, an application for a certificate of title and the required fee shall be made within twenty days in order for the security interest to be perfected as of the time of its creation.

Senator Foshee, Vice Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 472. To establish the Alabama Groundwater Protection Trust Fund; to provide for a disposition of the environmental protection fees collected for returning polluted groundwater to a quality comparable to its previous state; to establish an advisory board to advise the Department of Environmental Management on the investment of the fund and other related matters; to create an incentive program through a two year grace period to encourage the reporting and clean up of leaking underground storage tanks; to establish

and satisfy financial responsibility requirements for underground storage tank owners as required by federal law, and to provide for payment of third party claims and clean-up costs caused by leaking underground storage tanks.

The legislature of the State of Alabama finds and declares that certain lands of Alabama constitute unique and delicately balanced resources; that the protection of these resources is vital to the economy of this state; and that the preservation of groundwater is a matter of the highest urgency and priority as these waters provide a primary source of potable water in this state; that such use can only be served effectively by maintaining the quality of groundwater in as close to a pristine condition as possible, taking into account multiple use accommodations necessary to provide the broadest possible promotion of public and private interests.

The legislature further finds and declares that the storage and transportation of motor fuels within the jurisdiction of this state poses threats of damage to the environment of the state, to citizens of the state, and to other interests deriving livelihood from the state; and that such hazards have occurred in the past, are now occurring, and will continue to occur. Discharges from underground tanks pose a significant threat to the quality of ground waters of this state.

The legislature further finds that where contamination of groundwater has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made; that such delays result in the continuation and intensification of the threat to the public health, safety, and welfare, in greater damages to the environment, and in significantly higher costs to contain and remove the contamination; and that adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected persons and to provide a means for investigation and clean-up at contamination sites without delay, and such state interests outweigh any economic burdens imposed by the legislature upon those engaged in storing and transportation of motor fuels and related activities.

The legislature intends for this Act to provide evidence of financial responsibility under the Superfund Amendments and Reauthorization Act of 1986 and other federal laws.

Senator Amari, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Rice:

S. 513. To require the Department of Human Resources to employ ten (10) additional day care licensing personnel, and to provide for a supplemental appropriation to the department from the state general fund for the fiscal year ending September 30, 1988.

By Senator Rice:

S. 514. Relating to the Office of Day Care in the Department of Human Resources, so as to provide for a supplemental appropriation for the department for fiscal year ending September 30, 1988, to employ personnel with expertise to develop a computer information program for child care data.

By Senator Rice:

S. 515. To amend Section 38-7-2, Code of Alabama 1975, relating to child care, so as to redefine the term "day care home" and provide further therefor.

By Senators Sanders and Rice:

S. 536. To require the state to provide subsidized child day care services for eligible children.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cosby:

H. 242. To amend Section 16-4-15 of the Code of Alabama, 1975, to permit the state superintendent of education to delay the taking of a school census for a period of 10 years.

By Senator Rice:

S. 482. Proposing an amendment to the Constitution of Alabama of 1901, to require the appointment of county superintendents by local boards of education.

The above Bill was read a second time at length as required by the Constitution.

By Senator Rice:

S. 483. To require the appointment of county superintendents of education by local boards of education as provided by Sections 16-8-7 and 16-9-1, Code of Alabama 1975, and to provide for the effective date of appointment for previously elected superintendent positions.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 545. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

By Senator deGraffenried:

S. 565. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as

amended, for the purpose of purchasing land, buildings and/or providing funds for the administration of the unemployment compensation and employment service programs as the director shall determine to be in the best interest of the State, and the total cost of which does not exceed the amount of this appropriation. Such funds are to be expended exclusively for the programs administered by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell:

S. 554. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Amendment):

S. 555. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial, Foshee, and Campbell (With Substitute):

S. 560. To amend sections 37-6-2 and 37-6-3, Code of Alabama 1975, relating to electric cooperatives so as to provide that electric cooperatives incorporated under chapter 6 of Title 37 may provide television reception services, including programming to certain consumers; to clarify the power of cooperatives to condemn property devoted to public use; and to provide for indemnification of trustees, directors, officers, employees or agents of a cooperative or serving at the request of the cooperative in such capacity

with another entity from liability and expenses of defense in connection with any civil, criminal, administrative or investigative proceeding; to provide that such indemnification shall not be made if a person is adjudged to be liable for negligence or misconduct in certain circumstances; to establish the procedures to be followed in determining that indemnification of such a person is proper in the circumstances and that he has met the required standard of conduct; to provide for advance payment of expenses of defense; to provide that such indemnification rights are not exclusive of any other rights to which a person may be entitled; and to authorize a cooperative to purchase insurance covering liabilities asserted against such persons.

By Reps. Payne, Campbell, Clark (J), and Knight (With Substitute):

H. 349. To provide, for an additional fee, to owners of motor vehicles special license tags or plates which represent the various institutions of higher learning in this state; to provide for the design of said tags or plates; to authorize the revenue department to adopt such rules and regulations as are necessary to implement the provisions hereof and to require the department to furnish lists of said tags to sheriffs of this state; to require the removal of said special school tags upon the sale of a motor vehicle; to prohibit unauthorized use of such tags; to name this act the "Martin-Estes-Campbell Act"; to provide for the distribution of the net proceeds of such fees to the general scholarship funds of the respective institutions of higher learning; and to provide for a deduction from Alabama income tax for such proceeds which are distributed to the said scholarship funds.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Notice and Proof):

S. 304. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in criminal cases, and providing for the distribution of the increased costs.

By Senator Smith (J) (With Notice and Proof):

S. 305. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), which provides for the collection of additional court costs, so as to increase the amount of such costs to defray the expense of jury and witness parking.

By Senator Ellis (With Notice and Proof):

S. 520. To alter and rearrange the boundaries of the city of Pelham in Shelby County, so as to exclude and include certain territory from the corporate limits of the city.

By Senator Ellis (With Notice and Proof):

S. 522. To alter and rearrange the boundaries of the city of Helena in Shelby County, so as to exclude and include certain territory from the corporate limits of the city.

By Senator Hale (With Notice and Proof):

S. 523. Relating to Madison County; repealing Act No. 882, H. 1958, 1973 Regular Session, which entitles the register of the circuit court to certain fees in court cases.

By Senators Smith (B), Smith (J), and Hale (With Notice and Proof):

S. 534. Relating to Madison County; to amend Section 1 of Act No. 80-277 of the 1980 Regular Session, (Acts of 1980, p. 366), entitled, "An Act Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes," so as to provide that in addition to its annual budget allocation, the legislative delegation is authorized to receive a separate allocation for extraordinary purchase of equipment, not to exceed 10% of its budget, as needed.

By Senator Sanders (With Notice and Proof):

S. 535. Relating to Greene County; to extend the privilege or license and excise and sales tax provisions of Act No. 77-487, H. 1226 of the 1977 Regular Session (Acts 1977, p. 636) without any action of the County Governing Body or a vote of the people.

By Senator Barron (With Notice and Proof):

S. 538. Relating to Jackson County; to provide for the relief of Ruby Butler, former tax assessor of Jackson County, Alabama, by the payment of certain funds due her as expenses incurred during her term as tax assessor.

By Reps. Williams and Flowers (With Notice and Proof):

H. 121. Relating to Dale County; providing that the Dale County Commission or other governing body of Dale County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions for the purpose of funding public education; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Dale County as a whole or that there may be excluded from any such levy any incorporated municipality in Dale County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

By Rep. Holley (With Notice and Proof):

H. 392. Relating to Coffee County; authorizing the Coffee County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; authorizing the county commission to enter into service contracts for county fire protection; expressing legislative intent regarding said contracts; and repealing Act 86-718, 1986 1st Special Session.

By Rep. Butler (With Notice and Proof):

H. 551. To allow the City of Madison in Madison County to establish historic districts.



By Rep. Clark (J) (With Notice and Proof):

H. 560. Relating to Barbour County; authorizing and empowering the county commission to impose a certain issuance fee on citations issued for delinquent mobile home license tags and providing that the proceeds from such fees shall be paid to the county license inspector.

By Reps. Flowers and Williams (With Notice and Proof):

H. 562. To further reapportion House District 88 and House District 89 of the Alabama Legislature based upon the 1980 census.

By Reps. McMillan and Penry:

H. 587. Proposing an amendment to the Constitution of Alabama relative to continuing the imposition of a special district ad valorem tax in certain areas of Baldwin County for public hospital purposes.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Clark (J) (With Notice and Proof):

H. 666. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge and to provide for its retroactive effect.

By Rep. White (F) (With Notice and Proof):

H. 688. Relating to Escambia County; amending Act No. 84-576, H. 664, 1984 Regular Session, which establishes a trust fund for the proceeds of the oil and gas severance taxes, so as to provide further for the termination date of the trust fund.

By Rep. White (F) (With Notice and Proof):

H. 689. To fix the fee for the issuance of pistol permits in Escambia County and provide for the deposit of such fees in a fund known as the Sheriff's Pistol Permit Fund and provide for the use of such fund and an effective date.

By Rep. White (F) (With Notice and Proof):

H. 690. Relating to Escambia County; to repeal Act No. 649, H. 1144, 1978 Regular Session (Acts 1978, p. 921) which provides for the payment or reimbursement by the county to the members and chairman of the county commission of actual expenses incurred in the performance of their duties outside the county, including expenses incurred in attending conventions of the national and Alabama associations of county commissioners.

By Rep. Bryant (With Notice and Proof):

H. 757. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

By Reps. Williams and Flowers (With Notice and Proof):

H. 716. Relating to the City of Ozark in Dale County, Alabama; authorizing the municipal governing body to levy additional ad valorem taxes

for public school and educational purposes within the municipality, and calling for a referendum thereon by the qualified municipal electors.

By Rep. Warren (With Notice and Proof):

H. 709. Relating to Conecuh County; to authorize the Conecuh County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county not to exceed two (2) cents per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Conecuh County Commission to make reasonable rules and regulations for the collection of such taxes; to provide the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Conecuh County Commission for the collection of said taxes; and to provide for an advisory referendum relative to the levying of such taxes and the effectiveness.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reprs. Harper and White (G) (With Substitute) (With Amendments):

H. 269. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988.

Senator Smith (J), Chairperson of the Standing Committee on Rules reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Senators Goodwin and Foshee:

S. 150. To exempt from all state, county or local ad valorem taxes all property owned and used by the Selma-Dallas County Historic Preservation Society.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 59

S. B. 364

S. B. 489

S. B. 136

Delivered to the Governor, June 18, 1987, at 4:55 P.M.

McDOWELL LEE,  
Secretary of Senate.

## SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 6:45 P.M., Senator deGraffenried moved that the Senate adjourn until Tuesday, June 23, 1987, at 11 o'clock A.M.

Senator Corbett offered a substitute motion that the Senate adjourn until Tuesday, June 23, 1987, at 1 o'clock P.M., which motion was lost.

Yeas 10; Nays 13.

*Yeas:*

|           |          |          |         |     |
|-----------|----------|----------|---------|-----|
| Senators: | Bennett  | Figures  | Parsons |     |
| Amari     | Campbell | Hilliard | Sanders |     |
| Bedford   | Corbett  | Menton   |         | —10 |

*Nays:*

|               |          |        |           |     |
|---------------|----------|--------|-----------|-----|
| Senators:     | Dial     | Foshee | Preuitt   |     |
| Bailey        | Dixon    | Hand   | Rice      |     |
| Bedsole       | Drinkard | Manley | Smith (J) |     |
| deGraffenried | Ellis    |        |           | —13 |

The question recurred on the motion of Senator deGraffenried, which was adopted, and at 6:48 P.M., the Senate adjourned until Tuesday, June 23, 1987, at 11 o'clock A.M.

## **TWENTIETH LEGISLATIVE DAY**

**TUESDAY, JUNE 23, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Lynn Matlack, Pastor, Montgomery Christian Fellowship, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Miss Kristen Wingard, Cloverdale Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Figures  | Manley    |
| Amari     | Corbett       | Foshee   | Menton    |
| Bailey    | Covington     | Goodwin  | Mitchem   |
| Barron    | deGraffenried | Hale     | Preuitt   |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |
| Cabaniss  | Ellis         | Langford |           |

—34

### **JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Parsons for today.

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 112. ENDORSING THE IMPROVEMENTS OF THE MANAGEMENT STRUCTURE FOR THE TENNESSEE VALLEY AUTHORITY.

Also:

H. J. R. 120. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

H. J. R. 247. REQUESTING THE UNITED STATES POSTMASTER GENERAL TO ISSUE A STAMP COMMEMORATING THE 100TH ANNIVERSARY OF THE PROFESSION OF CHIROPRACTIC.

On motion of Senator Drinkard, the Resolutions, H. J. R.'s 112, 120, and 247, were concurred in and adopted by the Senate.

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 265. AMENDING SENATE JOINT RESOLUTION 18 OF THE ORGANIZATIONAL SESSION 1987 (ACT 87-19) THAT CREATED AN INTERIM COMMITTEE ON FINANCES AND BUDGETS TO ALLOW THE APPOINTMENT OF SUB-COMMITTEES.

On motion of Senator Corbett, further consideration of the Resolution, H. J. R. 265, and pending amendment, was postponed subject to the call of the Chair.

**MOTION TO RECONSIDER**

On motion of Senator Rice, the Senate reconsidered the vote by which the Bill, S. B. 396, as amended, was passed.

And on motion of Senator Rice, further consideration of the Bill, S. B. 396, as amended, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., H. B. 757, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |         |          |
|-----------|----------|---------|----------|
| Senators: | Campbell | Figures | Horn     |
| Amari     | Corbett  | Foshee  | Langford |
| Barron    | Denton   | Goodwin | Manley   |
| Bedsole   | Dial     | Hale    | Menton   |
| Bennett   | Dixon    | Hand    | Preuitt  |
| Bishop    | Drinkard | Holmes  | Sanders  |
| Cabaniss  | Ellis    |         |          |

Nays:

—25

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 757. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |          |     |
|-----------|----------|---------|----------|-----|
| Senators: | Campbell | Figures | Horn     |     |
| Amari     | Corbett  | Foshee  | Langford |     |
| Barron    | Denton   | Goodwin | Manley   |     |
| Bedsole   | Dial     | Hale    | Menton   |     |
| Bennett   | Dixon    | Hand    | Preuitt  |     |
| Bishop    | Drinkard | Holmes  | Sanders  |     |
| Cabaniss  | Ellis    |         |          | —25 |

*Nays:*

—0

**BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Sanders, B. I. R., H. B. 400, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |          |     |
|-----------|---------------|----------|----------|-----|
| Senators: | Campbell      | Figures  | Horn     |     |
| Amari     | Corbett       | Foshee   | Langford |     |
| Barron    | Covington     | Hale     | Manley   |     |
| Bedsole   | deGraffenried | Hand     | Menton   |     |
| Bennett   | Dial          | Hilliard | Preuitt  |     |
| Bishop    | Dixon         | Holmes   | Sanders  |     |
| Cabaniss  | Ellis         |          |          | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 400. Relating to Sumter County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

was taken up.

Senator Sanders offered the following amendment to the Bill, H. B. 400, to-wit:

**AMENDMENT TO H. B. 400**

Amend H. 400 by striking Section 2, page 1, lines 26 through 34, and substituting in lieu thereof the following:

"Section 2. Prior to the sale of property as described in Section 1, the sheriff must advertise such sale, the time and place thereof and a description of the property, at least once a week for four successive weeks in a newspaper having county-wide circulation. The sheriff or one of his officers must conduct entirely any such public sale, and any proceeds thereof shall be deposited in the Pistol Permit Account for the Sheriff's Department. Such proceeds shall be used as determined by the sheriff. Except as herein otherwise provided, the procedures for the condemnation and forfeiture of such confiscated or abandoned or unclaimed personal property shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture and sale of vehicles used in illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence, the provisions of § 28-4-286 through § 28-4-290 shall apply to govern all such proceedings."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |          |     |
|-----------|---------------|----------|----------|-----|
| Senators: | Campbell      | Figures  | Horn     |     |
| Amari     | Corbett       | Foshee   | Langford |     |
| Barron    | Covington     | Hale     | Manley   |     |
| Bedsole   | deGraffenried | Hand     | Menton   |     |
| Bennett   | Dial          | Hilliard | Preuitt  |     |
| Bishop    | Dixon         | Holmes   | Sanders  |     |
| Cabaniss  | Ellis         |          |          | —25 |

Nays: —0

And said Bill, H. B. 400, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

|           |               |          |          |     |
|-----------|---------------|----------|----------|-----|
| Senators: | Campbell      | Figures  | Horn     |     |
| Amari     | Corbett       | Foshee   | Langford |     |
| Barron    | Covington     | Hale     | Manley   |     |
| Bedsole   | deGraffenried | Hand     | Menton   |     |
| Bennett   | Dial          | Hilliard | Preuitt  |     |
| Bishop    | Dixon         | Holmes   | Sanders  |     |
| Cabaniss  | Ellis         |          |          | —25 |

Nays: —0

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Goodwin:

S. 604. To amend section 36-33-2, Code of Alabama 1975, which provides for security officers for certain members of the executive branch, so as to remove executive security officers exemption from minimum standards.

Committee on Governmental Affairs.

By Senator Langford:

S. 605. Authorizing state supported institutions of higher learning to condemn lands needed for their educational purposes and providing that this act shall have certain supplemental effect.

Committee on Education.

By Senator Langford (With Notice and Proof):

S. 606. Relating to Montgomery County; providing further for the compensation of the judge of probate.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 606, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hale:

S. 607. To amend Section 20-2-90 of the Code of Alabama 1975, which relates to the enforcement of the Alabama Uniform Controlled Substances Act, so as to give officers of the alcoholic beverage control board certain powers in regard thereto.

Committee on Judiciary.

By Senator Hale:

S. 608. To allow official court reporters who are in office on the effective date of this act to elect coverage in the employees' retirement system of Alabama; to provide the time in which the election shall be made; to provide that all official court reporters employed after the effective date shall automatically be included in the employees' retirement system; to provide for the purchase of up to five years prior service as an official court reporter as creditable service in the employees' retirement system; to amend Section 12-17-290 of the Code of Alabama 1975 so as to provide that a break in service as an official court reporter for the state of Alabama will not affect an official court reporter's eligibility for attaining supernumerary status; to amend Section 12-17-292 of the Code of Alabama 1975 so as to further provide for the salary for supernumerary circuit court reporters; and to provide that supernumerary court reporters' commissions shall be issued by the Secretary of State rather than the Chief Justice.

Committee on Finance and Taxation.

By Senator Ellis (With Notice and Proof):

S. 609. Relating to Shelby County, prohibiting annexation by out of county municipalities without a vote of the people of Shelby County.

Committee on Local Legislation No. 1.



**REGULAR SESSION**  
**20th Day**

1047

I hereby certify that the notice and proof is attached to the Bill, S. B. 609, as required in the General Acts of Alabama, 1975, Act No. 919.

**McDOWELL LEE,**  
Secretary.

By Senator Hand (With Notice and Proof):

S. 610. To remove certain property from within the municipal limits of the Town of Summerdale in Baldwin County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 610, as required in the General Acts of Alabama, 1975, Act No. 919.

**McDOWELL LEE,**  
Secretary.

By Senator Bishop (With Notice and Proof):

S. 611. To provide in Walker County for the incorporation of the Walker County Industrial Port Authority to own and operate the docks in Cordova; to provide for the management of said Authority by a board of directors; to provide for the appointment and term of office for such board of directors; to prescribe the powers and duties of the Authority; and to provide that this act shall take effect upon the conveyance of the state docks in Cordova to the Walker County Commission as authorized by Amendment No. 454 to the Constitution of Alabama of 1901.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 611, as required in the General Acts of Alabama, 1975, Act No. 919.

**McDOWELL LEE,**  
Secretary.

**REPORT OF COMMITTEE**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Rep. Buskey (JE):

H. 220. To amend Section 11-54A-7, Code of Alabama 1975, relating to Downtown Redevelopment Authorities so as to remove the restriction that state, county or municipal officers and employees cannot serve on the board of directors.

By Reps. Adams and Flowers:

H. 139. To amend Section 36-21-2, Code of Alabama 1975, relating to the subsistence allowance for certain specified law enforcement officers, so as to extend the subsistence allowance provided therein to probation and parole officers of the Alabama board of pardons and paroles, fire marshals of the department of insurance, revenue enforcement officers of the department of revenue, and law enforcement officers of the state capitol police; and to make this act retroactive to January 21, 1987.

By Reps. Johnson (RG), Beasley, and Haynes:

H. 259. To amend Section 14-3-47 of the Code of Alabama 1975, to expressly allow the commissioner of corrections to train or employ state convicts in camps, posts or stations around the state and to adopt the regulations necessary as determined by the commissioner of corrections.

By Reps. Johnson (RG) and Haynes:

H. 563. To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, (Acts 1985, p. 795) whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 1994; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 1995; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 1994-95 for this additional judgeship position.

By Senators Bedford, Foshee, Hale, Dixon, and Manley:

S. 478. To amend Sections 24-6-3 and 24-6-4, Code of Alabama 1975, so as to further provide for the duties, functions, administration and remuneration of the Alabama Manufactured Housing Commission; and to provide that no commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

### BUDGET ISOLATION RESOLUTION

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Smith (J), B. I. R., H. B. 100, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Corbett  | Foshee   | Horn      |
| Amari     | Denton   | Goodwin  | Manley    |
| Barron    | Dial     | Hale     | Menton    |
| Bedsole   | Dixon    | Hand     | Rice      |
| Bennett   | Drinkard | Hilliard | Sanders   |
| Cabaniss  | Ellis    | Holmes   | Smith (J) |
| Campbell  | Figures  |          |           |

—25

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 100. Relating to Limestone County; to amend the title and Section 1 of Act No. 418, H. 279, Regular Session 1975 (Acts 1975, p. 1014), which authorizes the county governing body to open graves, so as to authorize a charge of \$50.00 per grave for such services.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Corbett  | Foshee   | Horn      |     |
| Amari     | Denton   | Goodwin  | Manley    |     |
| Barron    | Dial     | Hale     | Menton    |     |
| Bedsole   | Dixon    | Hand     | Rice      |     |
| Bennett   | Drinkard | Hilliard | Sanders   |     |
| Cabaniss  | Ellis    | Holmes   | Smith (J) |     |
| Campbell  | Figures  |          |           | —25 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Smith (J), B. I. R., H. B. 103, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Corbett  | Foshee   | Horn      |     |
| Amari     | Denton   | Goodwin  | Manley    |     |
| Barron    | Dial     | Hale     | Menton    |     |
| Bedsole   | Dixon    | Hand     | Rice      |     |
| Bennett   | Drinkard | Hilliard | Sanders   |     |
| Cabaniss  | Ellis    | Holmes   | Smith (J) |     |
| Campbell  | Figures  |          |           | —25 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 103. Relating to Limestone County, the city of Athens in Limestone County and other political subdivisions in Limestone County which formally agree to participation, to provide for a "metropolitan-government" consisting of Limestone County, Athens, and such other participating political subdivisions which results from a merger of the political, corporate and economic functions into a single entity, the purpose of which is to provide for the economic and efficient merger of said governmental entities, and to provide for a referendum election procedure to accomplish said merger and reorganization of governmental functions.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Corbett  | Foshee   | Horn      |     |
| Amari     | Denton   | Goodwin  | Manley    |     |
| Barron    | Dial     | Hale     | Menton    |     |
| Bedsole   | Dixon    | Hand     | Rice      |     |
| Bennett   | Drinkard | Hilliard | Sanders   |     |
| Cabaniss  | Ellis    | Holmes   | Smith (J) |     |
| Campbell  | Figures  |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Smith (J), B. I. R., S. B. 449, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Figures  | Manley    |     |
| Barron    | deGraffenried | Foshee   | Menton    |     |
| Bedford   | Denton        | Hale     | Preuitt   |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Bennett   | Dixon         | Horn     | Sanders   |     |
| Campbell  | Drinkard      | Langford | Smith (J) |     |
| Corbett   | Ellis         |          |           | —25 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 449. To amend the title and section 1 of Act No. 80-783, S. 599 of the 1980 Regular Session (Acts 1980, p. 1617) providing a county salary supplement for the circuit judges in the Thirty-ninth Judicial Circuit so to provide further for such salary supplements.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Figures  | Manley    |     |
| Barron    | deGraffenried | Foshee   | Menton    |     |
| Bedford   | Denton        | Hale     | Preuitt   |     |
| Bedsole   | Dial          | Hand     | Rice      |     |
| Bennett   | Dixon         | Horn     | Sanders   |     |
| Campbell  | Drinkard      | Langford | Smith (J) |     |
| Corbett   | Ellis         |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., S. B. 391, adopted.

Yeas 20; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Foshee   | Menton    |     |
| Bailey    | Dial          | Hale     | Mitchem   |     |
| Barron    | Dixon         | Horn     | Preuitt   |     |
| Bedsole   | Drinkard      | Langford | Smith (B) |     |
| Bennett   | Ellis         | Manley   | Smith (J) |     |
| Cabaniss  |               |          |           | —20 |

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 391. To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the circuit judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional district judgeship to serve Shelby County; to amend Sections 12-11-2 and 12-17-20 and 12-17-61, Code of Alabama 1975, as amended, relating to the composition of judicial circuits and number of circuit and district judges; and, to provide an effective date.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 391, to-wit:

**SUBSTITUTE FOR S. B. 391**

**A BILL  
TO BE ENTITLED  
AN ACT**

To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the circuit judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional district judgeship to serve Shelby County; to amend Sections 12-11-2 and 12-17-20 and 12-17-61, Code of Alabama 1975, as amended, relating to the composition of judicial circuits and number of circuit and district judges; and, to provide an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 1-11-2, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§12-11-2.

“The state of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of counties as follows:

“(1) First circuit—Choctaw, Clarke and Washington.

“(2) Second circuit—Butler, Crenshaw and Lowndes.

“(3) Third circuit—Barbour and Bullock.

“(4) Fourth circuit—Bibb, Dallas, Hale, Perry and Wilcox.

“(5) Fifth circuit—Chambers, Macon, Randolph and Tallapoosa.

“(6) Sixth circuit—Tuscaloosa.

“(7) Seventh circuit—Calhoun and Cleburne.

“(8) Eighth circuit—Morgan.

“(9) Ninth circuit—Cherokee and DeKalb.

“(10) Tenth circuit—Jefferson.

- “(11) Eleventh circuit—Lauderdale.
- “(12) Twelfth circuit—Coffee and Pike.
- “(13) Thirteenth circuit—Mobile.
- “(14) Fourteenth circuit—Walker.
- “(15) Fifteenth circuit—Montgomery.
- “(16) Sixteenth circuit—Etowah.
- “(17) Seventeenth circuit—Marengo, Greene and Sumter.
- “(18) Eighteenth circuit—~~Clay, Coosa, and~~ Shelby.
- “(19) Nineteenth circuit—Autauga, Chilton and Elmore.
- “(20) Twentieth circuit—Henry and Houston.
- “(21) Twenty-first circuit—Escambia.
- “(22) Twenty-second circuit—Covington.
- “(23) Twenty-third circuit—Madison.
- “(24) Twenty-fourth circuit—Fayette, Lamar and Pickens.
- “(25) Twenty-fifth circuit—Marion and Winston.
- “(26) Twenty-sixth circuit—Russell.
- “(27) Twenty-seventh circuit—Marshall.
- “(28) Twenty-eighth circuit—Baldwin.
- “(29) Twenty-ninth circuit—Talladega.
- “(30) Thirtieth circuit—Blount and St. Clair.
- “(31) Thirty-first circuit—Colbert.
- “(32) Thirty-second circuit—Cullman.
- “(33) Thirty-third circuit—Dale and Geneva.
- “(34) Thirty-fourth circuit—Franklin.
- “(35) Thirty-fifth circuit—Conecuh and Monroe.
- “(36) Thirty-sixth circuit—Lawrence.
- “(37) Thirty-seventh circuit—Lee.
- “(38) Thirty-eighth circuit—Jackson.
- “(39) Thirty-ninth circuit—Limestone.
- “(40) Fortieth circuit—Clay, Cleburne and Coosa.”

Section 2. Section 1-17-0, Code of Alabama 1975, is hereby amended to read as follows:

“§12-17-20.

“(a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

“(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

“(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

“(2) There shall be two circuit judges in the fourth judicial circuit.

“(3) There shall be three circuit judges in the fifth judicial circuit.

“(4) There shall be five circuit judges in the sixth judicial circuit.

“(5) There shall be four circuit judges in the seventh judicial circuit.

“(6) There shall be three circuit judges in the eighth judicial circuit.

“(7) There shall be two circuit judges in the ninth judicial circuit.

“(8) There shall be 24 circuit judges in the tenth judicial circuit. The judge occupying judgeship No. 23 shall serve the Birmingham domestic relations division, and the judges occupying judgeship Nos. 21, 22, and 24 shall serve the Birmingham civil division.

“(9) There shall be three circuit judges in the eleventh judicial circuit.

“(10) There shall be three circuit judges in the twelfth judicial circuit.

“(11) There shall be 10 circuit judges in the thirteenth judicial circuit.

“(12) There shall be three circuit judges in the fourteenth judicial circuit.

“(13) There shall be seven circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge. The judge occupying judgeship No. 7 shall serve the family court division of said circuit.

“(14) There shall be four circuit judges in the sixteenth judicial circuit.

“(15) There shall be three circuit judges in the eighteenth judicial circuit until October 1, 1987, at which time the number of circuit judges shall be reduced to two. Effective October 1, 1992, there shall be three circuit judges in the eighteenth judicial circuit.

“(16) There shall be two circuit judges in the nineteenth judicial circuit.

“(17) There shall be three circuit judges in the twentieth judicial circuit.

“(18) There shall be two circuit judges in the twenty-first judicial circuit.

“(19) There shall be two circuit judges in the twenty-second judicial circuit.

“(20) There shall be six circuit judges in the twenty-third judicial circuit.

“(21) There shall be two circuit judges in the twenty-fifth judicial circuit.

“(22) There shall be two circuit judges in the twenty-sixth judicial circuit.

“(23) There shall be two circuit judges in the twenty-seventh judicial circuit.

“(24) There shall be three circuit judges in the twenty-eighth judicial circuit.

"(25) There shall be three circuit judges in the twenty-ninth judicial circuit.

"(26) There shall be two circuit judges in the thirtieth judicial circuit.

"(27) There shall be two circuit judges in the thirty-first judicial circuit.

"(28) There shall be two circuit judges in the thirty-second judicial circuit.

"(29) There shall be two circuit judges in the thirty-third judicial circuit.

"(30) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(31) There shall be two circuit judges in the thirty-eighth judicial circuit."

Section 3. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

"§12-17-61.

"Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Lee, Madison, Etowah, Morgan, Russell, Talladega, Tuscaloosa, Walker, Houston, and Dale, and Shelby counties shall each have two resident district judges.

"(2) Montgomery, Cullman and Calhoun counties shall have three resident district judges.

"(3) Mobile county shall have four resident district judges.

"(4) Jefferson county shall have 11 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and eight shall serve in the Birmingham division."

Section 4. (a) The circuit judgeship in the Eighteenth Judicial Circuit held by the judge residing in Clay County at the time of passage of this Act, shall, effective October 1, 1987, be transferred and redesignated as the circuit judgeship for the Fortieth Judicial Circuit. When such judgeship is redesignated as the judgeship for the Fortieth Judicial Circuit, the incumbent judge shall become the first circuit judge of the Fortieth Judicial Circuit and shall serve the remainder of the present term to which he was appointed. Thereafter, successors shall be elected to full terms of office as is provided by law. Provided, that should said judgeship become vacant prior to the expiration of the present term for which the incumbent was appointed, then the judgeship shall be filled by appointment by the Governor as is otherwise provided by law. The circuit judge of the Fortieth Judicial Circuit shall receive the same state salary, payable in the same manner as the other circuit judges.

(b) Upon redesignation of the circuit judgeship of the Eighteenth Judicial Circuit as the circuit judgeship for the Fortieth Judicial Circuit, the two existing circuit judgeships remaining in the Eighteenth Judicial Circuit shall be redesignated as Place No. 1 and Place No. 2, and the incumbent judges shall continue to hold said offices until the expiration of the present terms



to which they were elected. A presiding judge of the Eighteenth Judicial Circuit shall be selected as provided by law or rules of the Alabama Supreme Court. The two remaining circuit judges of the Eighteenth Judicial Circuit shall continue to receive any and all salary supplements and expense allowances heretofore provided by the counties comprising said circuit and such supplements and expense allowances shall, beginning October 1, 1987, be provided by the county comprising the Eighteenth Judicial Circuit, the provisions of any local act to the contrary notwithstanding.

(c) The incumbent circuit judges of the Seventh Judicial Circuit residing in Calhoun County shall continue to hold office until the expiration of the present terms to which they were elected and shall otherwise be unaffected by the provisions of this Act.

(d) There is hereby created in the Eighteenth Judicial Circuit, effective October 1, 1992, circuit judgeship place number three. Such circuit judge shall be elected in the same manner as are all other circuit judges, and shall be entitled to the same salary, salary supplements, expense allowance, office, clerical personnel, and other benefits as are provided for judgeship place number one and place number two in the Eighteenth Judicial Circuit.

Section 5. (a) There is hereby created, effective October 1, 1987, the office of district attorney of the Fortieth Judicial Circuit. The office shall be deemed vacant and shall be filled as is otherwise provided by law. The district attorney for the Fortieth Judicial Circuit shall be elected in the same manner as are all other district attorneys.

(b) The district attorney for the Fortieth Judicial Circuit shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district attorneys may be subject to exercise and perform. The district attorney for the Fortieth Judicial Circuit shall receive the same salary, payable in the same manner as are other district attorneys in the State of Alabama. Provided however that the funding of the office of the district attorney for the Fortieth Judicial Circuit shall not reduce the funding for the offices of the district attorneys for the remaining thirty-nine judicial circuits.

Section 6. (a) There is hereby created, effective October 1, 1987, and thereafter, the office of district judge of Shelby County place number two. Such district judge shall be elected in the same manner as are all district judges. The office of district judge for Shelby County place number two shall be deemed vacant and shall be filled as is otherwise provided by law.

(b) The judge of the district judgeship place number two of Shelby County shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations, and penalties that other district judges may be subject to exercise and perform. The district judge place number two of Shelby County shall receive the same salary and supplements, payable in the same manner as the district judge place number one for Shelby County.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. Except where otherwise specifically provided herein, this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Dial, said substitute was laid on the table.

Senator Dial then offered the following substitute for the Bill, S. B. 391, to-wit:

### SUBSTITUTE FOR S. B. 391

#### A BILL TO BE ENTITLED AN ACT

To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the circuit judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional district judgeship to serve Shelby County; to amend Section 12-11-2 relating to the composition of judicial circuits; to provide appropriations for the fiscal year beginning October 1, 1987; and, to provide an effective date.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-11-2, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“Section 12-11-2.

“The state of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of counties as follows:

“(1) First circuit—Choctaw, Clarke and Washington.

“(2) Second circuit—Butler, Crenshaw and Lowndes.

“(3) Third circuit—Barbour and Bullock.

“(4) Fourth circuit—Bibb, Dallas, Hale, Perry and Wilcox.

“(5) Fifth circuit—Chambers, Macon, Randolph and Tallapoosa.

“(6) Sixth circuit—Tuscaloosa.

“(7) Seventh circuit—Calhoun ~~and Cleburne~~.

“(8) Eighth circuit—Morgan.

“(9) Ninth circuit—Cherokee and DeKalb.

“(10) Tenth circuit—Jefferson.

“(11) Eleventh circuit—Lauderdale.

“(12) Twelfth circuit—Coffee and Pike.

“(13) Thirteenth circuit—Mobile.

“(14) Fourteenth circuit—Walker.

“(15) Fifteenth circuit—Montgomery.

“(16) Sixteenth circuit—Etowah.

“(17) Seventeenth circuit—Marengo, Greene and Sumter.

- "(18) Eighteenth circuit—~~Clay, Coosa, and~~ Shelby.
- "(19) Nineteenth circuit—Autauga, Chilton and Elmore.
- "(20) Twentieth circuit—Henry and Houston.
- "(21) Twenty-first circuit—Escambia.
- "(22) Twenty-second circuit—Covington.
- "(23) Twenty-third circuit—Madison.
- "(24) Twenty-fourth circuit—Fayette, Lamar and Pickens.
- "(25) Twenty-fifth circuit—Marion and Winston.
- "(26) Twenty-sixth circuit—Russell.
- "(27) Twenty-seventh circuit—Marshall.
- "(28) Twenty-eighth circuit—Baldwin.
- "(29) Twenty-ninth circuit—Talladega.
- "(30) Thirtieth circuit—Blount and St. Clair.
- "(31) Thirty-first circuit—Colbert.
- "(32) Thirty-second circuit—Cullman.
- "(33) Thirty-third circuit—Dale and Geneva.
- "(34) Thirty-fourth circuit—Franklin.
- "(35) Thirty-fifth circuit—Conecuh and Monroe.
- "(36) Thirty-sixth circuit—Lawrence.
- "(37) Thirty-seventh circuit—Lee.
- "(38) Thirty-eighth circuit—Jackson.
- "(39) Thirty-ninth circuit—Limestone.
- "(40) Fortieth circuit—Clay, Cleburne and Coosa."

Section 2. (a) The circuit judgeship in the Eighteenth Judicial Circuit held by the judge residing in Clay County at the time of passage of this Act, shall, effective October 1, 1987, be transferred and redesignated as the circuit judgeship for the Fortieth Judicial Circuit. When such judgeship is redesignated as the judgeship for the Fortieth Judicial Circuit, the incumbent circuit judge residing in Clay County, shall become the first circuit judge of the Fortieth Judicial Circuit and shall serve the remainder of the present term to which he was elected or appointed. Thereafter, successors shall be elected to full terms of office as is provided by law. Provided, that should said judgeship become vacant prior to the expiration of the present term for which the incumbent was appointed, then the judgeship shall be filled by appointment by the Governor as is otherwise provided by law. The circuit judge of the Fortieth Judicial Circuit shall receive the same state salary, payable in the same manner as the other circuit judges.

(b) Upon redesignation of the circuit judgeship of the Eighteenth Judicial Circuit as the circuit judgeship for the Fortieth Judicial Circuit, the two existing circuit judgeships remaining in the Eighteenth Judicial Circuit shall

be redesignated as Place No. 1 and Place No. 2, and the incumbent judges shall continue to hold said offices until the expiration of the present terms to which they were appointed or elected. A presiding judge of the Eighteenth Judicial Circuit shall be selected as provided by law or rules of the Alabama Supreme Court. The two remaining circuit judges of the Eighteenth Judicial Circuit shall continue to receive any and all salary supplements and expense allowances heretofore provided by the counties comprising said circuit and such supplements and expense allowances shall, beginning October 1, 1987, be provided by the county comprising the Eighteenth Judicial Circuit, the provisions of any local act to the contrary notwithstanding.

(c) The incumbent circuit judges of the Seventh Judicial Circuit residing in Calhoun County shall continue to hold office until the expiration of the present terms to which they were elected or appointed and shall otherwise be unaffected by the provisions of this Act.

(d) There is hereby created in the Eighteenth Judicial Circuit, effective October 1, 1992, circuit judgeship place number three. The office of Circuit Judge, place number three, shall first be filled at the general election of 1992. Such circuit judge shall thereafter be elected in the same manner as are all circuit judges. This circuit judge shall be entitled to the same salary, salary supplements, expense allowances, and other benefits as are provided for judgeships place number one and place number two in the Eighteenth Judicial Circuit.

Section 3. (a) There is hereby created, effective October 1, 1987, the office of district attorney of the Fortieth Judicial Circuit. The office shall be deemed vacant and shall be filled as is otherwise provided by law. The district attorney for the Fortieth Judicial Circuit shall be elected in the same manner as are all other district attorneys.

(b) The district attorney for the Fortieth Judicial Circuit shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district attorneys may be subject to exercise and perform. The district attorney for the Fortieth Judicial Circuit shall receive the same salary, payable in the same manner, as are other district attorneys in the State of Alabama. Provided however, that the funding of the office of the district attorney for the Fortieth Judicial Circuit shall not reduce the funding for the offices of the district attorneys for the remaining thirty-nine judicial circuits.

(c) The district attorney of the Eighteenth Judicial Circuit shall continue to receive any and all salary supplements and expense allowances heretofore provided by the counties comprising said circuit and such supplements and expense allowances shall, beginning October 1, 1987, be provided by the county comprising the Eighteenth Judicial Circuit, the provisions of any local act to the contrary notwithstanding.

Section 4. (a) There is hereby created, effective October 1, 1987, and thereafter, the office of district judge of Shelby County place number two. Such district judge shall be elected in the same manner as are all district judges. The office of district judge for Shelby County place number two shall be deemed vacant on October 1, 1987, and shall be filled as is otherwise provided by law.

(b) The judge of the district judgeship place number two of Shelby County shall have and exercise all of the jurisdiction, powers, rights and

authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations, and penalties that other district judges may be subject to exercise and perform. The district judge place number two of Shelby County shall receive the same salary, supplements and expense allowances, payable in the same manner as the district judge place number one for Shelby County.

Section 5. (a) There is hereby appropriated to the Unified Judicial System for the fiscal year beginning October 1, 1987, the sum of \$163,403.00 to fund the new district judgeship for Shelby County.

(b) There is hereby appropriated to the office of district attorney of the new Fortieth Judicial Circuit, the sum of \$200,000 for the salaries and operation of said office for the fiscal year beginning October 1, 1987.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. Except where otherwise specifically provided herein, this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 1.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Foshee   | Menton    |     |
| Bailey    | deGraffenried | Hale     | Mitchem   |     |
| Barron    | Dial          | Horn     | Preuitt   |     |
| Bedsole   | Dixon         | Langford | Smith (B) |     |
| Bennett   | Ellis         | Manley   | Smith (J) |     |
| Cabaniss  |               |          |           | —20 |

Nay: Senator Holmes —1

And said Bill, S. B. 391, as thus amended by the Dial substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 1.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Goodwin  | Menton    |     |
| Amari     | deGraffenried | Hale     | Mitchem   |     |
| Barron    | Dial          | Horn     | Preuitt   |     |
| Bedsole   | Dixon         | Langford | Smith (B) |     |
| Cabaniss  | Ellis         | Manley   | Smith (J) |     |
| Corbett   | Foshee        |          |           | —21 |

Nay: Senator Holmes —1

## BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Barron, B. I. R., H. B. 232, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Corbett  | Hale     | Menton    |     |
| Amari     | Denton   | Hand     | Preuitt   |     |
| Barron    | Dial     | Holmes   | Rice      |     |
| Bedsole   | Dixon    | Horn     | Sanders   |     |
| Bennett   | Drinkard | Langford | Smith (B) |     |
| Bishop    | Ellis    | Manley   | Smith (J) |     |
| Campbell  | Figures  |          |           | —25 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 232. Relating to Jackson County; to amend Section 2 of Act No. 86-469, H. 248 of the 1986 Regular Session (Acts 1986, p. 853), relating to selling and redeeming lands for taxes, so as to change the term "revenue commission" to "revenue commissioner."

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |     |
|-----------|----------|----------|-----------|-----|
| Senators: | Corbett  | Hale     | Menton    |     |
| Amari     | Denton   | Hand     | Preuitt   |     |
| Barron    | Dial     | Holmes   | Rice      |     |
| Bedsole   | Dixon    | Horn     | Sanders   |     |
| Bennett   | Drinkard | Langford | Smith (B) |     |
| Bishop    | Ellis    | Manley   | Smith (J) |     |
| Campbell  | Figures  |          |           | —25 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**BUDGET ISOLATION RESOLUTION**

Senator Barron requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Barron, B. I. R., H. B. 228, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |           |     |
|-----------|----------|---------|-----------|-----|
| Senators: | Denton   | Goodwin | Menton    |     |
| Amari     | Dial     | Hale    | Mitchem   |     |
| Barron    | Dixon    | Hand    | Rice      |     |
| Bedsole   | Drinkard | Holmes  | Sanders   |     |
| Bennett   | Ellis    | Horn    | Smith (B) |     |
| Cabaniss  | Figures  | Manley  | Smith (J) |     |
| Campbell  | Foshee   |         |           | —25 |

|              |  |  |  |    |
|--------------|--|--|--|----|
| <i>Nays:</i> |  |  |  | —0 |
|--------------|--|--|--|----|

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 228. Relating to Jackson County; to create a motor vehicle license and title division within the Revenue Commissioner's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses and titles by the Revenue Commissioner's office; to transfer certain duties now performed by the Probate Judge to said Revenue Commissioner.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |           |
|-----------|----------|---------|-----------|
| Senators: | Denton   | Coodwin | Menton    |
| Amari     | Dial     | Hale    | Mitchem   |
| Barron    | Dixon    | Hand    | Rice      |
| Bedsole   | Drinkard | Holmes  | Sanders   |
| Bennett   | Ellis    | Horn    | Smith (B) |
| Cabaniss  | Figures  | Manley  | Smith (J) |
| Campbell  | Foshee   |         |           |

—25

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey:

H. 576. To amend §32-9-26, which exempts four-wheel, two-axle trailers with the weight of the trailer and load, not to exceed 10,000 pounds, used in farming from restrictions against use of trailers on the highways so as to allow from two to eight wheels and from one to four axles and a weight limit of not more than 36,000 pounds or no more than 10,000 pounds per axle, whichever is less; to amend §32-9-27, which requires those trailers exempted under 32-9-26 to carry reflectors and not be over eight feet in width and 65 feet in length, to allow the trailer to be up to 10 feet in width and no more than 76 feet in length with a one-foot overhang on each side of the trailer allowed for hauling round bales of hay.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 576—to the Committee on Agriculture, Conservation, and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey:

H. 577. To amend §32-9-2, which exempts cotton wagons from general trailer restrictions so as to also exempt module-movers and to increase the width and length of the trailers and module-movers from eight feet wide and 75 feet long to 10 feet wide and 85 feet long.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 577—to the Committee on Agriculture, Conservation, and Forestry

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 690, adopted.

Yeas 25; Nays 0.

Yeas:

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Cabaniss | Hale     | Manley  |
| Amari     | Campbell | Hand     | Menton  |
| Bailey    | Denton   | Hilliard | Mitchem |
| Barron    | Dial     | Holmes   | Preuitt |
| Bedford   | Dixon    | Horn     | Rice    |
| Bennett   | Ellis    | Langford | Sanders |
| Bishop    | Foshee   |          |         |

—25

Nays:

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 690. Relating to Escambia County; to repeal Act No. 649, H. 1144, 1978 Regular Session (Acts 1978, p. 921) which provides for the payment or reimbursement by the county to the members and chairman of the county commission of actual expenses incurred in the performance of their duties outside the county, including expenses incurred in attending conventions of the national and Alabama associations of county commissioners.

was taken up.



Senator Foshee offered the following amendment to the Bill, S. B. 690, to-wit:

**AMENDMENT TO H. B. 690**

Amend H. 690 as follows:

On page 1, line 19 in the title, change the period after the word "commissioners" to a comma and thereafter insert the following language:

retroactive to June 1, 1987.

On page 1, line 22, delete the period after the word "repealed" and insert the following language:

retroactive to June 1, 1987.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Cabaniss | Hale     | Manley  |
| Amari     | Campbell | Hand     | Menton  |
| Bailey    | Denton   | Hilliard | Mitchem |
| Barron    | Dial     | Holmes   | Preuitt |
| Bedford   | Dixon    | Horn     | Rice    |
| Bennett   | Ellis    | Langford | Sanders |
| Bishop    | Foshee   |          |         |

—25

*Nays:* —0

And said Bill, H. B. 690, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |         |
|-----------|----------|----------|---------|
| Senators: | Cabaniss | Hale     | Manley  |
| Amari     | Campbell | Hand     | Menton  |
| Bailey    | Denton   | Hilliard | Mitchem |
| Barron    | Dial     | Holmes   | Preuitt |
| Bedford   | Dixon    | Horn     | Rice    |
| Bennett   | Ellis    | Langford | Sanders |
| Bishop    | Foshee   |          |         |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 392, adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Covington     | Foshee   | Langford |
| Amari     | deGraffenried | Hale     | Manley   |
| Barron    | Denton        | Hand     | Menton   |
| Bedsole   | Dial          | Hilliard | Preuitt  |
| Bennett   | Dixon         | Holmes   | Rice     |
| Cabaniss  | Drinkard      | Horn     | Sanders  |
| Campbell  | Ellis         |          |          |

—25

Nays:

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 392. Relating to Coffee County; authorizing the Coffee County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; authorizing the county commission to enter into service contracts for county fire protection; expressing legislative intent regarding said contracts; and repealing Act 86-718, 1986 1st Special Session.

was taken up.

Senator Foshee offered the following amendment to the Bill, H. B. 392, to-wit:

**AMENDMENT TO H. B. 392**

Amend House Bill No. 392 Page 1 Line 18, by striking out “therefor” after the word proceeds and inserting in lieu thereof the word “therefrom”

Also:

Amend H. B. 392, page 1, Section 1, immediately following line 29 by adding the following:

(b) Five cents (\$0.05) for each package of cigars or cigarellas, such as Winchester, which are similar to, and which are packaged like, cigarettes.  
and renumbering the subsequent subsections accordingly.

Further amend H. B. 392, page 1, Section 1, line 30, after the word “cigar” by inserting the following:

, cheroot, or stogie

Further amend H. B. 392, page 1, Section 1, line 31, after the word “therefor” by inserting the following:

which are not similar to, nor packaged like, cigarettes as provided for in (b)

Further amend H. B. 392, page 3, Section 4, line 18, after the word “a” by deleting the word ~~quarterly~~ and substituting in lieu thereof the word monthly

Which was adopted.

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Yeas 25; Nays 0.

*Yeas:*

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Covington     | Foshee   | Langford |
| Amari     | deGraffenried | Hale     | Manley   |
| Barron    | Denton        | Hand     | Menton   |
| Bedsole   | Dial          | Hilliard | Preuitt  |
| Bennett   | Dixon         | Holmes   | Rice     |
| Cabaniss  | Drinkard      | Horn     | Sanders  |
| Campbell  | Ellis         |          |          |

—25

*Nays:* —0

And said Bill, H. B. 392, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Covington     | Foshee   | Langford |
| Amari     | deGraffenried | Hale     | Manley   |
| Barron    | Denton        | Hand     | Menton   |
| Bedsole   | Dial          | Hilliard | Preuitt  |
| Bennett   | Dixon         | Holmes   | Rice     |
| Cabaniss  | Drinkard      | Horn     | Sanders  |
| Campbell  | Ellis         |          |          |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Corbett, B. I. R., H. B. 560, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |
|-----------|---------|----------|-----------|
| Senators: | Corbett | Goodwin  | Menton    |
| Amari     | Denton  | Hale     | Preuitt   |
| Barron    | Dial    | Hand     | Rice      |
| Bedsole   | Dixon   | Horn     | Sanders   |
| Bennett   | Ellis   | Langford | Smith (B) |
| Bishop    | Figures | Manley   | Smith (J) |
| Cabaniss  | Foshee  |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 560. Relating to Barbour County; authorizing and empowering the county commission to impose a certain issuance fee on citations issued for delinquent mobile home license tags and providing that the proceeds from such fees shall be paid to the county license inspector.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Corbett | Goodwin  | Menton    |     |
| Amari     | Denton  | Hale     | Preuitt   |     |
| Barron    | Dial    | Hand     | Rice      |     |
| Bedsole   | Dixon   | Horn     | Sanders   |     |
| Bennett   | Ellis   | Langford | Smith (B) |     |
| Bishop    | Figures | Manley   | Smith (J) |     |
| Cabaniss  | Foshee  |          |           | —25 |

*Nays:* —0**BUDGET ISOLATION RESOLUTION**

Senator Corbett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Corbett, B. I. R., H. B. 666, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Corbett | Goodwin  | Menton    |     |
| Amari     | Denton  | Hale     | Preuitt   |     |
| Barron    | Dial    | Hand     | Rice      |     |
| Bedsole   | Dixon   | Horn     | Sanders   |     |
| Bennett   | Ellis   | Langford | Smith (B) |     |
| Bishop    | Figures | Manley   | Smith (J) |     |
| Cabaniss  | Foshee  |          |           | —25 |

*Nays:* —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 666. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge and to provide for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Corbett | Goodwin  | Menton    |     |
| Amari     | Denton  | Hale     | Preuitt   |     |
| Barron    | Dial    | Hand     | Rice      |     |
| Bedsole   | Dixon   | Horn     | Sanders   |     |
| Bennett   | Ellis   | Langford | Smith (B) |     |
| Bishop    | Figures | Manley   | Smith (J) |     |
| Cabaniss  | Foshee  |          |           | —25 |

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (B) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Smith (B), B. I. R., S. B. 534, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Hale     | Menton    |
| Amari     | Covington     | Hilliard | Mitchem   |
| Barron    | deGraffenried | Holmes   | Pruitt    |
| Bedsole   | Dial          | Horn     | Rice      |
| Bennett   | Dixon         | Langford | Smith (B) |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 534. Relating to Madison County; to amend Section 1 of Act No. 80-277 of the 1980 Regular Session, (Acts of 1980, p. 366), entitled, "An Act Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes," so as to provide that in addition to its annual budget allocation, the legislative delegation is authorized to receive a separate allocation for extraordinary purchase of equipment, not to exceed 10% of its budget, as needed.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Hale     | Menton    |
| Amari     | Covington     | Hilliard | Mitchem   |
| Barron    | deGraffenried | Holmes   | Pruitt    |
| Bedsole   | Dial          | Horn     | Rice      |
| Bennett   | Dixon         | Langford | Smith (B) |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (B) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Smith (B), B. I. R., S. B. 304, adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Hale     | Menton    |
| Amari     | Covington     | Hilliard | Mitchem   |
| Barron    | deGraffenried | Holmes   | Preuitt   |
| Bedsole   | Dial          | Horn     | Rice      |
| Bennett   | Dixon         | Langford | Smith (B) |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

Nays:

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 304. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in criminal cases, and providing for the distribution of the increased costs.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Hale     | Menton    |
| Amari     | Covington     | Hilliard | Mitchem   |
| Barron    | deGraffenried | Holmes   | Preuitt   |
| Bedsole   | Dial          | Horn     | Rice      |
| Bennett   | Dixon         | Langford | Smith (B) |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

Nays:

—0

**BUDGET ISOLATION RESOLUTION**

Senator Smith (B) requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Smith (B), B. I. R., S. B. 305, adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Hale     | Menton    |
| Amari     | Covington     | Hilliard | Mitchem   |
| Barron    | deGraffenried | Holmes   | Preuitt   |
| Bedsole   | Dial          | Horn     | Rice      |
| Bennett   | Dixon         | Langford | Smith (B) |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

Nays:

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 305. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular

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Session 1980 (Acts 1980, p. 755), which provides for the collection of additional court costs, so as to increase the amount of such costs to defray the expense of jury and witness parking.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Hale     | Menton    |
| Amari     | Covington     | Hilliard | Mitchem   |
| Barron    | deGraffenried | Holmes   | Preuitt   |
| Bedsole   | Dial          | Horn     | Rice      |
| Bennett   | Dixon         | Langford | Smith (B) |
| Cabaniss  | Drinkard      | Manley   | Smith (J) |
| Campbell  | Ellis         |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., H. B. 41, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Langford  |
| Amari     | Covington     | Goodwin  | Manley    |
| Barron    | deGraffenried | Hale     | Menton    |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |
| Cabaniss  | Ellis         | Horn     | Smith (J) |
| Campbell  | Figures       |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 41. Relating to Tallapoosa County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Langford  |
| Amari     | Covington     | Goodwin  | Manley    |
| Barron    | deGraffenried | Hale     | Menton    |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |
| Cabaniss  | Ellis         | Horn     | Smith (J) |
| Campbell  | Figures       |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., H. B. 42, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:*

—0

**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 42. Relating to Tallapoosa County; providing for the county commission to reimburse the office of tax collector for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the tax collector may charge a fee for invalid checks.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:*

—0

**RESOLUTION**

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 145. CONGRATULATING COACH MYRA MILES AND THE HALEYVILLE HIGH SCHOOL LADY LIONS ON THE 1987 CLASS 3A-4A STATE SOFTBALL CHAMPIONSHIP.

Which was filed.

**BUDGET ISOLATION RESOLUTION**

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., H. B. 49, adopted.



Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 49. To propose an amendment to the Constitution of 1901, relating to the levy and collection of school district taxes for city and county school systems within Tallapoosa County; to provide that such taxes are cumulative to any and all other such taxes in Tallapoosa County; to provide that such tax shall be effective upon approval at a referendum called for the purpose and the ratification of this amendment at a referendum, pursuant to Amendment 425 of the Constitution of 1901, as amended, and which referendum shall constitute a referendum on the tax. The Tallapoosa County Board of Education shall administer the allocation of such tax.

was taken up.

Senator Rice offered the following substitute for the Bill, H. B. 49, to-wit:

### SUBSTITUTE FOR H. B. 49

#### A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of 1901, relating to the levy and collection of school district taxes for city and county school systems within Tallapoosa County and relating to the levy and collection of ad valorem taxes designated for Alexander City Junior College for tuition assistance; to provide that such taxes are cumulative to any and all other such taxes in Tallapoosa County; to provide that such tax shall be effective upon approval at a referendum called for the purpose and the ratification of this amendment at a referendum, pursuant to Amendment 425 of the Constitution of 1901, as amended, and which referendum shall constitute a referendum on the tax. The Tallapoosa County Board of Education and Alexander City Junior College shall administer the allocation of such respective taxes.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

#### PROPOSED AMENDMENT

In addition to any and all other taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, in Tallapoosa

County there is hereby levied an additional eight mills on each dollar of taxable property situated in said county, for schools, capital outlay, maintenance, equipment, repairs or other educational purposes, except for salaries, and for the purpose of providing tuition assistance for Tallapoosa County residents attending Alexander City Junior College; provided that before said taxes are levied and collected the question first shall be approved by the qualified electors of Tallapoosa County. If a majority of the qualified electors voting thereon shall vote in favor of such taxes then the said taxes shall be effective; if a majority of the qualified electors voting thereon vote in opposition of such taxes then the provisions of this act shall become null and void and have no effect; provided, however, if a majority of the qualified electors of Tallapoosa County who participate in the referendum held on the adoption of this amendment vote in favor thereof, no further election need be held and this amendment shall become self-executing.

Of the total revenues generated by this amendment, those generated by seven mills of said tax shall be deposited in the county treasury and shall be designated for the use of the respective boards of education in Tallapoosa County, and shall be allocated by the Tallapoosa County Board of Education. Such funds shall be apportioned among the county and city school systems on the basis of the current ratio distribution formula used in apportionment of minimum program funds within the county. No assessment or collection charge otherwise authorized by law shall be deducted by the tax assessor, tax collector, or other public officer or employee pursuant to the assessment or collection of the tax herein levied.

The provisions of this act shall be construed in *pari materia* with all other provisions relating to school district taxes in Tallapoosa County, except as there is a direct conflict herewith.

Of the total revenues generated by this amendment, those generated by one mill of said tax shall be designated for Alexander City Junior College for tuition assistance for Tallapoosa County residents attending Alexander City Junior College.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at a special election to be called for that purpose only by the Court of County Commissioners of Tallapoosa County; such election to be held not more than 60 days following the passage of this act. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

Nays: —0

And said Bill, H. B. 49, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

Nays: —0

### BUDGET ISOLATION RESOLUTION

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., H. B. 51, adopted.

Yeas 25; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

Nays: —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 51. Relating to Tallapoosa County; levying an additional ad valorem tax in the county with proceeds therefrom to be deposited in the county general fund to be expended for certain fire protection purposes upon referendum approval of such levy by the qualified electors of the county and prescribing certain criteria for eligibility to receive funding from the proceeds of such additional ad valorem taxes.

was taken up.

On motion of Senator Rice, further consideration of the Bill, H. B. 51, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., H. B. 52, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:* —0

### BILLS ON THIRD READING RESUMED

THE BILL:

H. 52. Relating to Tallapoosa County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Corbett       | Foshee   | Langford  |     |
| Amari     | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedford   | Denton        | Hand     | Rice      |     |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |     |
| Cabaniss  | Ellis         | Horn     | Smith (J) |     |
| Campbell  | Figures       |          |           | —25 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Rice requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Rice, B. I. R., H. B. 55, adopted.

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Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Langford  |
| Amari     | Covington     | Goodwin  | Manley    |
| Barron    | deGraffenried | Hale     | Menton    |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |
| Cabaniss  | Ellis         | Horn     | Smith (J) |
| Campbell  | Figures       |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 55. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Tallapoosa County; to prohibit the performance of certain work on private property and provide civil fines for violations; providing for an advisory referendum election called for such purpose; and providing for an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Corbett       | Foshee   | Langford  |
| Amari     | Covington     | Goodwin  | Manley    |
| Barron    | deGraffenried | Hale     | Menton    |
| Bedford   | Denton        | Hand     | Rice      |
| Bedsole   | Drinkard      | Hilliard | Smith (B) |
| Cabaniss  | Ellis         | Horn     | Smith (J) |
| Campbell  | Figures       |          |           |

—25

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, and Mathis (With Notice and Proof):

H. 609. Relating to Houston County; providing a certain monthly expense allowance for the members and chairman of the county commission which shall be in lieu of all expense allowances heretofore provided by law for such members.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 609, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 752. Relating to Blount County; To provide for a special recording fee of \$2.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Blount County; and to provide for the expenditure of the funds in the office of the judge of probate.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 752, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 609 and 752—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Fuller and Laird (With Notice and Proof):

H. 741. Relating to Chambers County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties now performed by the tax assessor and tax collector to said probate office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 741, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Starkey, Hamilton, and Goodwin (With Notice and Proof):

H. 753. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, which created the office of license commissioner, so as to authorize said commission to issue business licenses by mail.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 753, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 741 and 753—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghy (With Notice and Proof):

H. 481. Relating to Mobile County; to amend Act No. 544, S. 602, 1967 Regular Session, as amended, which provides for funds from the general fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, so as to provide further for said funding.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 481, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 481—to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 786. Relating to Sumter County; amending Section 2 of Act No. 83-480, H. 669, 1983 Regular Session (Acts 1983, p. 672), relating to levying

a fee on all hazardous and nonhazardous waste deposited, or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama, so as to provide that the fee levied shall include all hazardous and nonhazardous material that is treated or buried permanently at site or that remains at the site for a reasonable length of time, and to specifically repeal Section 8 of Act No. 83-480, H. 669, 1983 Regular Session (Acts 1983, p. 672), relating to referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 786, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 787. Relating to Sumter County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 787, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 786 and 787—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Petelos (With Notice and Proof):

H. 639. To provide for the collection of special assessments by the appropriate official or employee of the county who is charged with the collection of property taxes or assessments in order to satisfy liens arising from the abatement of public nuisances caused by noxious or dangerous weeds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 639, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Reps. Payne, Biddle, Wright, Gray, Petelos, Escott, Curry, Seibels, Rogers, McClain, Slaughter, Davis, White (G), and Beers (With Notice and Proof):

H. 631. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act, as heretofore amended, established a pension system for officers and employees of Jefferson County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 631, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 639 and 631—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Fuller and Laird (With Notice and Proof):

H. 700. To propose a constitutional amendment for Chambers County establishing a Fire and Rescue Fund, assessing court charges from certain criminal offenders to fund said Fire and Rescue Fund, distributing the money in said fund and granting certain powers to the county commission and the legislature.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 700, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 701. Relating to Chambers County; to amend Sections 1 and 2 of Act No. 1180, H. 2226, Regular Session 1971 (Acts 1971, p. 2040), relating to the issuance of pistol permits by the sheriff, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 701, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 700 and 701—to the Committee on Local Legislation No. 1

(The above numbered Bill, H. B. 700, was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Slaughter, White (G), and McClain (With Notice and Proof):

H. 640. To amend further Section 10 of Act No. 497, Regular Session of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, relating to a pension system for officers and employees of Jefferson County, Alabama, so as to increase the benefit formula rate and to provide further for the retirement of certain members of the pension system.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 640, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 640—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

H: 784. Relating to Pickens County, providing further for the procedure for selling and redeeming lands for taxes.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 784, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Beasley (With Notice and Proof):

H. 785. Relating to Houston County; authorizing branch banking.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 785, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 784 and 785—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

H. 783. Relating to Geneva County; to provide for the compensation of the revenue commissioner in said county, and to specifically repeal parts of Section 6, Act 651, Regular Session 1978 (Acts 1978, p. 923) in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 783, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Parker (With Notice and Proof):

H. 791. Relating to Morgan County; further amending Section 2 of Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), as amended, relating to the distribution of payments by Tennessee Valley Authority in lieu of ad valorem taxes, so as to provide that the period for the present distribution formula shall remain in effect henceforth.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 791, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 783 and 791—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Spratt (With Notice and Proof):

H. 382. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 382, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Beasley (With Notice and Proof):

H. 582. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 582, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 382—to the Committee on Local Legislation No. 2

H. B. 582—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Hammett (With Notice and Proof):

H. 810. To provide that the judge of probate of Covington County shall be compensated on a salary basis; to provide for the operation of his office after he is on a salary basis; to require the judge of probate to continue to collect the fees prescribed by law and to pay such fees into the county treasury from which his salary will be paid.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 810, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

H. 811. Relating to Covington County; providing for an advisory referendum relative to whether the county should be placed on a unit system of public road and bridge maintenance by a county engineer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 811, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 810 and 811—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 847. Relating to Greene County; to fix the fee for the issuance of pistol permits in Greene County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 847, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Zoghby (With Notice and Proof):

H. 679. To amend Section 7 of Act No. 31 of the Second Special Session 1975 (Acts 1975, p. 141), as amended, which relates to the incorporation in any municipality, having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent federal decennial census, of an authority, as a public corporation, for the purpose of providing public transportation service in such county and the compensation of directors of any such authority, so as to further provide for the number of directors.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 679, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 847—to the Committee on Local Legislation No. 1

H. B. 679—to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

H. 829. Relating to Cherokee County; to fix the fee for the issuance of pistol permits in Cherokee County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 829, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 846. Relating to Greene County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 846, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 829 and 846—to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

H. 827. Relating to Cherokee County; providing for the chairman of the county commission; repealing Act No. 273, S. 349, Regular Session 1943 (Local Acts, 1943), which provides for the president of such commission, so as to replace such office and duties with the judge of probate who shall be the chairman; providing that the duties and the compensation of such chairman shall be as provided by general law; providing for advisory referendum, and for interim vacancy in office of chairman.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 827, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 828. Relating to Cherokee County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Cherokee County; repealing conflicting laws; and prescribing the effective date of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 828, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 827 and 828—to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 102. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Limestone County Commission to dispose of dead animals and excavate human graves.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, and Mathis:

H. 840. To provide for referendums to authorize Class 5 municipalities to construct hydroelectric generating facilities.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 840—to the Committee on Commerce, Transportation, and Utilities

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Hammett:

H. 812. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate and other county officers of Covington County.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 812—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Davis:

H. 731. To amend Section 12-19-92, Code of Alabama 1975, which provides for fees of constables, so as to provide further for the fees of the constables in Jefferson County.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 731—to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Holley:

H. 635. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Also:

By Rep. Adams:

H. 143. To further amend Section 25-5-9, Code of Alabama 1975, as amended, relating to industrial relations and labor, and employers' liabilities

for qualifying as self-insurers, so as to provide further therefor, to permit pooling liabilities for reinsurance purposes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 635—to the Committee on Commerce, Transportation, and Utilities

H. B. 143—to the Committee on Banking and Insurance

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

H. 575. To amend Section 41-9-41, Code of Alabama 1975, which establishes the Alabama State Council on the Arts and Humanities, so as to change the name of said Council.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 575—to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams:

H. 542. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities and local industrial development boards, economic development councils and airport authorities, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such

bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 542—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams:

H. 541. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 541—to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hettinger:

H. 526. To authorize the Alabama Department of Environmental Management to promulgate rules and regulations governing underground storage

tanks and to authorize the Department to seek approval from the United States Environmental Protection Agency to operate the underground storage tank regulatory program in Alabama in lieu of Federal regulation. This bill also authorizes the Department to establish a State program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 526—to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 502. Relating to the age of majority; to provide that for purposes of contracting for educational loans for college level and above, the age of majority shall be seventeen years of age.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 502—to the Committee on Public Welfare

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F):

H. 484. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 484—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Beers, McDowell, Escott, McClain, Payne, Wright, Petelos, Curry, Slaughter, Newton, Perdue, and Rogers:

H. 450. A bill to amend Section 4-3-45, Code of Alabama 1975, so as to provide for a Board of Directors for an Airport Authority of either three, five or seven members.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 450—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Reps. Gaston, Clark (J), Hettinger, Grouby, Williams, Spratt, Fuller, Layson, Harvey, McMillan, Willis, Holmes, Hooper, Kvalheim, Freeman, Payne, White (L), Frazier, Moon, Butler, Warren, Walker, Higginbotham, Zoghby, Hammett, Adams, Perdue, Flowers, Thomas, Cosby, Johnson (RW), Blake, Goodwin, Davis, Petelos, Wright, Logan, Mikell, Blakeney, Holley, Black, Haynes, Poole, Mathis, Campbell, Lindsey, Beasley, Crow, Rogers, McDowell, Headley, Newman, Melton, Escott, Beers, McClain, Buskey (JL), Kennedy, Biddle, Venable, Turnham, Starkey, Bugg, Junkins, Gray, Hamilton, Hogan, Faulk, Rains, Richardson, Box, Buskey (JE), Burke, Bowling, Breedlove, Hall, White (F), McKee, Curry, Knight, Marks, Parker, Slaughter, Carter, Hill, Seibels, Newton, Grayson, and Reed:

H. 350. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of at least one-half of his accrued sick leave.

Also:

By Reps. Johnson (RG) and Haynes:

H. 565. To provide that only one municipal sales (gross receipts) or use tax and only one county sales or use tax shall be collected or paid on the same sale.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 350 and 565—to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 344. To amend the Constitution of 1901 by replacing the article on Suffrage and Elections, Article VIII.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 344—to the Committee on Judiciary

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F):

H. 329. To provide for the establishment of a working capital fund from which to pay claims against the State Highway Department's self-insurance program (provided for in Section 23-1-41, Code of Alabama, 1975, as amended), in the event that the Director of the Highway Department with the approval of the Governor elects to administer this program with Highway Department personnel. Also, to provide procedures for the establishment and operation of said working capital fund.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 329—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. White (G) and Fuller:

H. 308. To amend §§40-23-2 and 40-23-35, Code of Alabama 1975, to impose an excise tax on unlawful sales, use and other transactions involving certain drugs or controlled substances, and provide for the disposition of the proceeds of the tax.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 308—to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and sends same forthwith to the Senate without engrossment:

By Rep. Breedlove:

H. 287. To amend § 13A-4-3, Code of Alabama 1975, to upgrade the penalty provisions for criminal conspiracy.

Also:

By Reps. Marietta, Zoghby, Gaston, Box, Kennedy, Turner, Kvalheim, Harper, Clark (W), and Buskey (JE):

H. 570. To authorize each municipality in this State to donate certain real property (whether acquired prior to or subsequent to the enactment hereof) to the United States of America for use by the said United States for defense and related purposes, to authorize each such municipality to issue its bonds, warrants or the evidences of indebtedness for the purpose of providing funds to purchase such real property and to authorize each such municipality to convey such real property to a "related public corporation" under Chapter 63 of Title 11 of the Code of Alabama of 1975 for

the purpose of enabling such public corporation to donate the said real property to the United States.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 287—to the Committee on Judiciary

H. B. 570—to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Richardson and Starkey:

H. 286. To provide further for the sale or proper disposal of certain historical property used in legislative chambers; to authorize the historical commission to set a standard rate for certain restored period legislative desks and for the legislative chairs used in the Alabama Legislature; to authorize the secretary of the senate and the clerk of the house to dispose of certain such desks and chairs at such standard rate, or to otherwise make disposal thereof; and to provide for the distribution of net revenues.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 286—to the Committee on State Development and Tourism

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle:

H. 252. To make the illegal possession of food stamps a criminal offense, to define the degrees of such offense; to prescribe punishment; and to provide that any person convicted of such crime who is licensed under the Alcoholic Beverage Licensing Code shall have his license revoked in addition to criminal penalties.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 252—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cosby:

H. 246. To amend Sections 13A-7-5 and 13A-7-6, Code of Alabama 1975, which provide for burglary in the first and second degree, so as to provide that home burglary is classified as burglary in the first degree.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 246—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gray, Goodwin, White (L), Higginbotham, Zoghby, Kvalheim, Hooper, Mikell, Blakeney, Wright, Hamilton, Petelos, Curry, Richardson, Slaughter, Logan, and Brooks:

H. 240. To amend §13A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 240—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hooper:

H. 230. To amend §20-2-80, Code of Alabama 1975, to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by §20-2-80, Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 230—to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hettinger:

H. 225. To amend the Alabama Hazardous Waste Management Act of 1978, as amended, to clarify that the Alabama Department of Environmental Management ("the Department") administers the hazardous waste management program, to correct certain errors, to clarify certain authorities and to enact certain changes made to the federal Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended, which changes are necessary to receive authorization to operate certain portions of the hazardous waste management program in lieu of the federal program and to repeal Code of Alabama 1975, §22-30-13 the provisions of which are made a part of §22-30-14 and Code of Alabama 1975, §22-30-8. This bill clarifies the intent of the act; clarifies the authority of the Department to list certain wastes as hazardous wastes, clarifies permitting procedures, clarifies the responsibilities of generators, transporters and owners and operators of treatment, storage and disposal facilities; corrects wording errors; and eliminates unnecessary provisions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 225—to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 217. To amend Section 9-12-80, Code of Alabama 1975, relating to seafood license fees for certain nonresidents and boats, so as to change the

fees for certain nonresidents and boats for certain seafood licenses in Alabama from double the cost for Alabama residents and boats to the cost charged Alabama residents and boats for a similar license in that state; and to provide that in no event shall said nonresidents and boats pay less than twice the cost for said licenses that Alabama residents pay.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 217—to the Committee on Agriculture, Conservation, and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 211. To provide for the sacking and tagging of oysters taken from Alabama waters for commercial purposes; to prohibit the possession of empty oyster sacks with oyster tags attached thereto; to prohibit the sale, purchase or possession of oysters in violation thereof; to prescribe penalties for the violation thereof; and to provide for the purchase of oyster tags from the Department of Conservation and Natural Resources, and the use of the receipts therefrom.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 211—to the Committee on Agriculture, Conservation, and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Freeman, Hall, Faulk, Carothers, Flowers, Drake, and Warren:

H. 164. To state the legislative intent; to amend §34-24-70; to require that the Board of Medical Examiners shall only approve certain off-shore medical schools if it finds that the medical education that is provided is substantially equivalent to that provided by medical schools in the United States and the District of Columbia; to authorize the Board of Medical Examiners to reject or not accept a diploma from any college of medicine

which is not approved by the Board and to deny issuance of a certificate of qualification for licensure to practice medicine in Alabama to any individual holding such a diploma; to empower the Board to adopt, pursuant to the Alabama Administrative Procedure Act, all necessary rules, regulations, procedures, criteria, qualifications and guidelines as may be necessary to give effect to the provisions of this Act; to authorize the Board to prescribe a reasonable fee to cover cost and expenses of the evaluation of a college of medicine and require the payment of such fee to the Board; to establish the procedures required of such colleges to secure the required approval and to prescribe the interval for which such approval is granted and the interval at which such college which is denied approval may reapply for such approval; to establish that in any action for judicial review of a Board determination to approve or disapprove graduates of a college of medicine or based upon the exercise of authority granted by this Act, the reviewing court shall be bound by the determination of the Board for evaluating the quality of the medical education of the institution in question and shall uphold the determination of the Board unless the court finds the same to be unsupported by any facts or arbitrary or capricious; to provide that effective 180 days after the effective date of this act only applicants holding a degree from a college of medicine approved by the Board shall be issued a certificate of qualification; to provide that any portions of this act which are declared unconstitutional or void by any court of competent jurisdiction does not affect those parts remaining; to provide for repeal of all laws or parts of laws which conflict with this Act; to provide that this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 164—to the Committee on Health

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Willis and Crow:

H. 126. To provide for the procedure for verification of eligibility for homestead exemptions provided in the Code of Alabama, 1975, Sections 40-9-19 and 40-9-21.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 126—to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Rep. Higginbotham:

H. 74. To define certain school records as "governmental records" and to include school systems and certain institutions in the definition of government so as to make it illegal to knowingly falsify certain school records.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 74—to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following bill:

By Reps. Starkey, Hettinger, and Zoghby:

H. 56. To require reimbursement to a municipality, or county, or the state which has expended public funds for the training of firefighters if such firefighters are employed by another state, county, fire district, or municipal agency within twelve months after completion of training; establishing procedures.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 56—to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Grouby:

H. 46. To require a grand jury investigation of any hunting death involving a gun or bow and arrow when such accident results in death and

when such death is caused by one person against another; and to require further that all such accidents be reported within 72 hours to the office of the Director of the Game and Fish Division of the Department of Conservation and Natural Resources, by the Coroner and the Sheriff's Department of the county in which the death occurred.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 46—to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 44. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting or discharging a firearm within a certain distance of public roads, highways, or railroads, so as to remove certain language regarding hunting and obtaining permission of adjacent landowners, to prohibit discharging a firearm in certain areas, to provide certain exceptions, and to alter criminal penalties.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 44—to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Rep. Turner:

H. 1. To provide for a limitation on the total cost of license plates, taxes and license fees for motorized recreational vehicles; to return the taxation of such vehicles to the rates, weights and amounts that existed prior to 1984; and to exempt motorized recreational vehicles from the provisions of section 40-12-248 of the Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1—to the Committee on Commerce, Transportation, and Utilities

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Kennedy:

H. J. R. 332. ENCOURAGING THE ALABAMA COLLEGE SYSTEM TO BEGIN PROGRAMS TO TRAIN CHILD CARE WORKERS IN CHILD DEVELOPMENT PRINCIPLES AND OTHER JOB RELATED SKILLS.

WHEREAS, pursuant to the Report of the Joint Governor's/Legislative Task Force on Child Day Care (April 1987), the development of child care worker training programs in community, junior, and technical colleges, could serve as a low cost, accessible means of raising the professional level of child care givers; and

WHEREAS, such training programs can help meet a growing demand for qualified staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge The Alabama College System to begin programs to train child care workers in child development principles and other job related skills.

RESOLVED FURTHER, That a copy of this resolution be sent to the State Department of Education and The Alabama College System for distribution to appropriate institutions.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 332, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Kennedy:

H. J. R. 331. REQUESTING THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS, AND OTHER STATE AGENCIES RESPONSIBLE FOR THE DISBURSEMENT OF FUNDS

UNDER THE FEDERAL JOB TRAINING PARTNERSHIP ACT (JTPA), TO PROVIDE TRAINING FOR POTENTIAL CHILD DAY CARE STAFF, INCLUDING CHILD DEVELOPMENT ASSOCIATE (CDA) CREDENTIALING APPLICANTS.

WHEREAS, pursuant to the Report of the Joint Governor's/Legislative Task Force on Child Day Care (April 1987), the child care industry is experiencing vast demands in the number of employees needed with a 90% increase since 1972; and

WHEREAS, during the next decade, this demand is expected to continue to increase dramatically; and

WHEREAS, in order to meet this demand, more trained child care professionals are needed, and currently, models of the federal Job Training Partnership Act (JTPA) programs are being operated in several other states, as well as one initiated last year in Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature hereby requests that the Alabama Department of Economic and Community Affairs, and other state agencies responsible for the disbursement of funds pursuant to the federal Job Training Partnership Act, provide training for potential child day care staff, including Child Development Associate (CDA) credentialing applicants.

RESOLVED FURTHER, That copies of this resolution be sent to the Director of the Alabama Department of Economic and Community Affairs.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 331, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 333. COMMENDING DR. SHIVA P. SINGH FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS TO ALABAMA STATE UNIVERSITY.

Also:

By Rep. Holmes:

H. J. R. 334. COMMENDING PRESIDENT LEON HOWARD OF ALABAMA STATE UNIVERSITY.

Also:

By Rep. Gaston:

H. J. R. 335. RECOGNIZING EDWARD LEON WHITE FOR OUTSTANDING SERVICE TO PUBLIC EDUCATION IN MOBILE COUNTY, 1954-1987.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and the Resolutions, H. J. R.'s 333, 334, and 335, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

H. J. R. 336. COMMENDING THE SELMA HIGH SCHOOL OLYMPICS OF THE MIND TEAM.

Also:

By Rep. Slaughter:

H. J. R. 337. COMMENDING DARRELL C. MCCLAIN, RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S KERMIT JOHNSON AWARD.

Also:

By Reps. Williams, Carothers, Beasley, and Mathis:

H. J. R. 338. COMMENDING THE 1987 WALLACE COLLEGE GOVERNORS' BASEBALL TEAM AND COACH SAMMY FRICHTER FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and the Resolutions, H. J. R.'s 336, 337, and 338, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Flowers, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson,

Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 310. CONGRATULATING THE TROY STATE UNIVERSITY BASEBALL TEAM ON WINNING ITS SECOND CONSECUTIVE NCAA DIVISION II NATIONAL CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 310, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 179. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on September 24, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Department of Conservation and Natural Resources' Rule No. 220-3-.03, relating to:

prohibition of gill nets of less than 750 feet in the inside waters; to delete the reference to redfish in presently numbered paragraphs (11) and (12) of said rule; providing for a daily catch and maximum and minimum length limits for all persons, firms, or corporations for redfish taken from within or without the waters of Alabama for both commercial and non-commercial purposes; and to establish a daily catch limit for King Mackerel,

published July 31, 1986, in Volume IV, No. 10, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Conservation and Natural Resources' proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 179, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**H. J. R. 178. SUSTAINING THE SUSPENSION OF A BOARD OF CHIROPRACTIC EXAMINERS RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.**

WHEREAS, on September 16, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Board of Chiropractic Examiners' Rule No. 190-X-1-.02, relating to:

"Composition and Selection of the Board of Chiropractic Examiners," published July 31, 1986, in Volume IV, No. 10, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the disapproval and suspension of the said Board of Chiropractic Examiners' proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 178, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**H. J. R. 177. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.**

WHEREAS, on July 30, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed new Rule 220-2-.91 of the Department of Conservation and Natural Resources, relating to:

"Hunting From Tree Stands," which shall prohibit hunters (other than bow hunters) from hunting from any elevated hunting stand within 100 yards of an adjoining landowner's real property without the adjoining landowner's permission,

published June 30, 1986, in Volume IV, No. 9, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed new rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Conservation and Natural Resources' proposed new rule by the Joint Committee on Administrative Regulation Review are hereby sustained.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 177, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 176. SUSTAINING THE SUSPENSION OF DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on September 24, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Department of Conservation and Natural Resources' Rule No. 220-3-11, relating to:

Red Drum (Redfish) and Spotted Seatrout, so as to make correct reference to the Federal Fisheries Conservation Zone ("FCZ"); to delete reference to "where licenses are not required" as such language relates to the "FCZ"; to prohibit importation for sale or shipment of spotted seatrout or red drum from the FCZ where such fish are in violation of any other applicable departmental regulation relating to possession and size limitations; and the wording relating to daily logs,

published July 31, 1986, in Volume IV, No. 10, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Conservation and Natural Resources' proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 176, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

H. J. R. 312. EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 81-418, H. 857, REGULAR SESSION 1981 (ACTS 1981, P. 661), PROVIDING EXPENSE ALLOWANCES FOR CERTAIN COUNTY OFFICIALS IN LIMESTONE COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby declare and state that the legislative intent of Act No. 81-418, H. 857, Regular Session 1981 (Acts 1981, p. 661) in which section 2 of said act provided certain sums for certain county officers in Limestone County, i.e.; the chairman of the county commission, each member of the county commission, the tax collector, the tax assessor, the sheriff and the coroner and each should be paid the stated sum each month as an expense allowance until such time in the future as the Legislature shall specifically otherwise provide.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the appropriate county officers and the county treasurer or comptroller.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 312, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

H. J. R. 159. CREATING A JOINT INTERIM COMMITTEE ON PUBLIC TRANSPORTATION.

BE IT RESOLVED, That there is hereby established a Joint Interim Committee on Public Transportation to be composed of four members of the House of Representatives to be appointed by the Speaker of the House of Representatives, four members of the Senate to be appointed by the President of the Senate; the Executive Director of the Alabama Transit Association, the Urban Planning Engineer of the Alabama Highway Department, the Director of the Department of Mental Health and Mental Retardation, the Chairman of the Alabama Rapid Rail Commission, two representatives of rural public transportation providers and two representatives of urban public transportation providers. One rural and one urban transportation provider representative shall be appointed by the Speaker of the House of Representatives. One rural and one urban transportation provider representative shall be appointed by the President of the Senate.

Members shall serve at the pleasure of the appointing authority and vacancies shall be filled by the original appointing authority.

The committee shall review the state's current involvement in public transportation services, assess the demand and value of these services, with particular attention to the mobility impaired, and identify needs for legislative response and/or planning policy recommendations to the office of the governor.

The committee shall select a chairman and vice chairman and establish rules of procedure. The committee shall submit a report to the legislature on the fifth legislative day of the 1988 Regular Session and at that time the committee shall be dissolved. The Clerk of the House of Representatives, the Secretary of the Senate and the State Highway Department shall provide clerical and technical assistance to the committee.

Each legislative member of the committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the committee, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. Non-legislative members of the committee shall receive the same per diem and travel expenses as state employees and the same regulations regarding being entitled to said expenses as are applied to state employees shall apply to said non-legislative members.

Said expenditures shall be paid out of funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount of funds expended by the committee in carrying out the purposes of this act shall not exceed \$4,000.00.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 159, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Higginbotham, Adams, and Williams:

H. J. R. 309. NAMING CLASSROOM-ADMINISTRATION BUILDING OF TROY STATE UNIVERSITY AT PHENIX CITY RALPH W. ADAMS HALL.

Also:

By Rep. Knight:

H. J. R. 313. COMMENDING MRS. ELIZABETH H. SMITH UPON HER SELECTION AS PRINCIPAL OF THE YEAR BY THE UNIVERSITY OF MONTEVALLO.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and the Resolutions, H. J. R.'s 309 and 313, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Knight, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 314. COMMENDING CHARLES W. BRITNELL FOR OUTSTANDING ACHIEVEMENT AND AS THE RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S KERMIT MATHISON AWARD.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 314, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 301. HONORING MRS. PEGGY L. SCARBOROUGH ON HER DISTINGUISHED TENURE WITH AUBURN UNIVERSITY.

Also:

By Rep. Turner:

H. J. R. 302. COMMENDING BYRON SKIDMORE OF CITRONELLE, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

By Rep. Black:

H. J. R. 303. COMMENDING GENEVA P. CHAMBERS OF EUTAW, GREENE COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolutions, H. J. R.'s 301, 302, and 303, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Blake, McKee, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 300. REQUESTING THE GOVERNOR TO PROCLAIM SEPTEMBER 17, 1987, AS "UNITED STATES CONSTITUTION DAY" IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 300, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Curry:

H. J. R. 304. HONORING JOHN BRADLEY FOR HIS 26 YEARS OF DISTINGUISHED SERVICE AS CHIEF OF THE HUEYTOWN FIRE DEPARTMENT.



Also:

By Rep. Laird:

H. J. R. 305. MOURNING THE DEATH OF DANIEL REID BOYD OF ROANOKE, ALABAMA.

Also:

By Rep. Moon:

H. J. R. 306. DESIGNATING AUGUST 22, 1987, AS "BOB MITCHELL DAY" IN THE STATE OF ALABAMA.

Also:

By Rep. Hooper:

H. J. R. 307. COMMENDING SAMUEL TERRELL HARDIN OF MONTGOMERY, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolutions, H. J. R.'s 304, 305, 306, and 307, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Rains, Haynes, Johnson (RG), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 308. HONORING JOHN L. GRANGER FOR OUTSTANDING ACHIEVEMENT AND FOR HIS CONTRIBUTIONS TO THE BLIND THROUGHOUT AMERICA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 308, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 327. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 18, 1987, that we adjourn to meet again on Tuesday, June 23, 1987; that when we adjourn on Tuesday, June 23, 1987, that we adjourn to meet again on Thursday, June 25, 1987; that when we adjourn on Thursday, June 25, 1987, that we adjourn to meet again on Tuesday, July 7, 1987; that when we adjourn on Tuesday, July 7, 1987, that we adjourn to meet again on Wednesday, July 8, 1987; that when we adjourn on Wednesday, July 8, 1987, that we adjourn to meet again on Thursday, July 9, 1987; that when we adjourn on Thursday, July 9, 1987, that we adjourn to meet again on Tuesday, July 14, 1987; that when we adjourn on Tuesday, July 14, 1987, that we adjourn to meet again on Thursday, July 16, 1987; that when we adjourn on Thursday, July 16, 1987, that we adjourn to meet again on Tuesday, July 21, 1987; that when we adjourn on Tuesday, July 21, 1987, that we adjourn to meet again on Wednesday, July 22, 1987; that when we adjourn on Wednesday, July 22, 1987, that we adjourn to meet again on Thursday, July 23, 1987; that when we adjourn on Thursday, July 23, 1987, that we adjourn to meet again on Monday, August 3, 1987; that when we adjourn on Monday, August 3, 1987, that we adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 327, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**RESOLUTION**

Senators Dixon, Cabaniss, Smith (J), Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, and Smith (B) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 146. COMMENDING THOMAS J. BRASSELL FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the distinguished career of Thomas J. Brassell in diligent service to the State of Alabama from December 1947 to April 1, 1987; and

WHEREAS, retiring as state comptroller for the past six years, Mr. Brassell's prior state service included four years with the Department of Finance as an accountant with the department's Insurance Fund Division and seventeen years as supervisor of the Finance Department's payroll and accounting division; and

WHEREAS, he served by appointment of former Governor Albert Brewer as assistant finance director from 1968 to 1971, and as head of the Consumer Protection Division of the Attorney General's office during the terms of former state Attorney General Bill Baxley; and

WHEREAS, Mr. Brassell then joined the Office of Court Administration and was appointed to his retirement position as state comptroller on April 1, 1981; and

WHEREAS, Tom Brassell is indeed a man of highest integrity and an inestimable public servant whose career was marked in accomplishment; he served long and well through leadership, guidance and example, and always in the best interests of our state and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation for his longtime service to the State of Alabama, we hereby commend Thomas J. Brassell of Montgomery, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTIONS IN WRITING

Senator Manley requested and received permission to suspend the Rules in order to offer the following Motions in Writing, to-wit:

I move that the Bill, S. B. 467, on page 73 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 467, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 141, on page 5 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 141, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 243, on page 77 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 243, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Ellis requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 1, on page 70 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 1, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Cabaniss requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 426, on page 78 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 426, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BUDGET ISOLATION RESOLUTION

Senator Cabaniss requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Hand, B. I. R., H. B. 587, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |          |     |
|-----------|----------|---------|----------|-----|
| Senators: | Campbell | Figures | Langford |     |
| Amari     | Corbett  | Foshee  | Manley   |     |
| Bailey    | Denton   | Goodwin | Menton   |     |
| Barron    | Dial     | Hand    | Preuitt  |     |
| Bedsole   | Dixon    | Holmes  | Rice     |     |
| Bishop    | Drinkard | Horn    | Sanders  |     |
| Cabaniss  | Ellis    |         |          | —25 |

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

THE BILL:

H. 587. Proposing an amendment to the Constitution of Alabama relative to continuing the imposition of a special district ad valorem tax in certain areas of Baldwin County for public hospital purposes.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |         |          |     |
|-----------|----------|---------|----------|-----|
| Senators: | Campbell | Figures | Langford |     |
| Amari     | Corbett  | Foshee  | Manley   |     |
| Bailey    | Denton   | Goodwin | Menton   |     |
| Barron    | Dial     | Hand    | Preuitt  |     |
| Bedsole   | Dixon    | Holmes  | Rice     |     |
| Bishop    | Drinkard | Horn    | Sanders  |     |
| Cabaniss  | Ellis    |         |          | —25 |

*Nays:*

—0

**RESOLUTION**

Senator Bedford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 147. REQUESTING THE UNITED STATES CONGRESS TO SUPPORT "THE OLDER AMERICANS ACT."

WHEREAS, the Older Americans Act was passed in 1965; and

WHEREAS, said Act supports commissions on aging and area agencies in behalf of the elderly; and

WHEREAS, the Older Americans Act establishes and provides meals for places that the elderly congregate, along with home-delivered meals for people 60 years old and older; it furnishes transportation, social services, and legal assistance; and provides for ombudsmen and funding for these services; further, the Act determines the area agencies as advocates; and

WHEREAS, said Act is before the United States Congress for reauthorization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly urge the United States Congress to reauthorize the Older Americans Act.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bailey, B. I. R., H. B. 632, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |          |
|-----------|---------|----------|----------|
| Senators: | Corbett | Goodwin  | Langford |
| Bailey    | Denton  | Hale     | Manley   |
| Bedford   | Dial    | Hand     | Menton   |
| Bedsale   | Dixon   | Hilliard | Mitchem  |
| Bennett   | Ellis   | Holmes   | Rice     |
| Bishop    | Figures | Horn     | Sanders  |
| Campbell  | Foshee  |          |          |

—25

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 632. Relating to Henry County; providing for the composition of the Henry County Commission; providing that the Judge of Probate shall serve as a non-voting chairperson for the county commission; providing for election of county commissioners from single-member districts and defining

the single-member commission districts; prescribing the manner of election and terms of the members of the county commission; providing that members of the county commission shall reside within the boundaries of their respective commission districts; providing for filling vacancies on the county commission and providing that this act shall have retroactive effect to the election of the members of the Henry County Commission in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |          |     |
|-----------|---------|----------|----------|-----|
| Senators: | Corbett | Goodwin  | Langford |     |
| Bailey    | Denton  | Hale     | Manley   |     |
| Bedford   | Dial    | Hand     | Menton   |     |
| Bedsole   | Dixon   | Hilliard | Mitchem  |     |
| Bennett   | Ellis   | Holmes   | Rice     |     |
| Bishop    | Figures | Horn     | Sanders  |     |
| Campbell  | Foshee  |          |          | —25 |

*Nays:* —0

### **BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bailey, B. I. R., H. B. 634, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |     |
|-----------|---------|----------|-----------|-----|
| Senators: | Corbett | Hale     | Menton    |     |
| Bailey    | Denton  | Hand     | Preuitt   |     |
| Bedford   | Dial    | Holmes   | Rice      |     |
| Bedsole   | Dixon   | Horn     | Sanders   |     |
| Bennett   | Ellis   | Langford | Smith (B) |     |
| Cabaniss  | Figures | Manley   | Smith (J) |     |
| Campbell  | Foshee  |          |           | —25 |

*Nays:* —0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

H. 634. Relating to Henry County; providing certain additional compensation for the poll workers to be paid from the county general fund retroactive to October 1, 1986.

was read a third time at length and passed.

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Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |
|-----------|---------|----------|-----------|
| Senators: | Corbett | Hale     | Menton    |
| Bailey    | Denton  | Hand     | Preuitt   |
| Bedford   | Dial    | Holmes   | Rice      |
| Bedsole   | Dixon   | Horn     | Sanders   |
| Bennett   | Ellis   | Langford | Smith (B) |
| Cabaniss  | Figures | Manley   | Smith (J) |
| Campbell  | Foshee  |          |           |

—25

*Nays:* —0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bailey, B. I. R., H. B. 633, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |
|-----------|---------|----------|-----------|
| Senators: | Corbett | Hale     | Menton    |
| Bailey    | Denton  | Hand     | Preuitt   |
| Bedford   | Dial    | Holmes   | Rice      |
| Bedsole   | Dixon   | Horn     | Sanders   |
| Bennett   | Ellis   | Langford | Smith (B) |
| Cabaniss  | Figures | Manley   | Smith (J) |
| Campbell  | Foshee  |          |           |

—25

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 633. Relating to Henry County; providing for the composition of the board of education; providing for the election of the members of said board from single-member districts and defining such districts; prescribing the manner of election and terms of such members; providing that the chairperson shall be elected from the membership of such board; providing for filling vacancies on such board and providing that this act shall have retroactive effect to the election of the members of the Henry County Board of Education in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |         |          |           |
|-----------|---------|----------|-----------|
| Senators: | Corbett | Hale     | Menton    |
| Bailey    | Denton  | Hand     | Preuitt   |
| Bedford   | Dial    | Holmes   | Rice      |
| Bedsole   | Dixon   | Horn     | Sanders   |
| Bennett   | Ellis   | Langford | Smith (B) |
| Cabaniss  | Figures | Manley   | Smith (J) |
| Campbell  | Foshee  |          |           |

—25

*Nays:* —0

**MOTIONS IN WRITING**

Senator Bailey requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 500, on page 96 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 500, referred to the Standing Committee on Rules for placement on the Consent Calendar.

On motion of Senator Bailey, the Rules were suspended, and he was granted permission to offer the following Motions in Writing, to-wit:

I move that the Bill, S. B. 176, on page 31 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 176, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 253, on page 88 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 253, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Menton requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 75, on page 7 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 75, referred to the Standing Committee on Rules for placement on the Consent Calendar.

On motion of Senator Bedford, the Rules were suspended, and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 490, on page 113 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 490, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**REPORT FROM RULES**

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House



Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 110. ESTABLISHING THE CONTINUING SELECT JOINT COMMITTEE ON INSURANCE.

On motion of Senator Bedford, further consideration of the Resolution, H. J. R. 110, was postponed subject to the call of the Chair.

### MOTION IN WRITING

Senator Ellis requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 22, on page 102 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 22, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 148. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate rules, the regular order of business is hereby set aside and the following bills shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

#### 1. Bills on Third Reading

| BILL NO. | DESCRIPTION                                                                        | PAGE NO. |
|----------|------------------------------------------------------------------------------------|----------|
| H. 265   | Insurance company premium tax, payment date alt. Secs. 27-4-4, 27-4-5 amd.         | 46       |
| H. 269   | Education budget, approp. for support, maint. and development of public education. | 134      |

#### 2. Consent Calendar

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 265, adopted.

Yeas 19; Nays 0.

Yeas:

|           |               |         |           |
|-----------|---------------|---------|-----------|
| Senators: | Campbell      | Ellis   | Horn      |
| Bedsole   | Covington     | Goodwin | Manley    |
| Bennett   | deGraffenried | Hale    | Menton    |
| Bishop    | Dixon         | Hand    | Preuitt   |
| Cabaniss  | Drinkard      | Holmes  | Smith (J) |

—19

Nays:

—0

**MOTION IN WRITING**

Senator Goodwin requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 300, on page 94 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 300, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

by a majority of those voting, said vote being: Yeas 54, Nays 0.

And said Bill, S. B. 41 together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

**SPECIAL ORDER****BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 265. To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, relating to Insurance Company Premium Tax so as to change the dates of premium tax payments by insurers.

And said Bill, H. B. 265, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Drinkard | Horn      |
| Amari     | Covington     | Ellis    | Manley    |
| Barron    | deGraffenried | Goodwin  | Menton    |
| Bedford   | Denton        | Hale     | Preuitt   |
| Bedsole   | Dial          | Hand     | Smith (B) |
| Bishop    | Dixon         | Holmes   | Smith (J) |
| Cabaniss  |               |          |           |

—24

Nays:

—0

**MOTION IN WRITING**

Senator Goodwin requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 252, on page 47 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 252, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

H. 269. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 269, to-wit:

**SUBSTITUTE FOR H. B. 269**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1988, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1988, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available to and hereby

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appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

## SECTION 3.

## A. STATE AGENCIES:

1. ACADEMY OF HONOR,  
ALABAMA:

|                                                   |       |
|---------------------------------------------------|-------|
| (a) Historical Resources Management Program ..... | 1,013 |
|---------------------------------------------------|-------|

## SOURCE OF FUNDS:

|                                      |       |       |
|--------------------------------------|-------|-------|
| (1) ASETF - Transfer .....           | 1,013 |       |
| <hr/>                                |       |       |
| Total Alabama Academy of Honor ..... | 1,013 | 1,013 |

2. ARTS AND HUMANITIES,  
ALABAMA STATE COUNCIL  
ON THE:

|                             |           |
|-----------------------------|-----------|
| (a) Fine Arts Program ..... | 1,504,020 |
|-----------------------------|-----------|

Of the above appropriation,  
\$9,690 is hereby appropriated  
to the Alabama Outdoor  
Drama.

|                                  |         |
|----------------------------------|---------|
| (b) Major Arts Program .....     | 200,000 |
| (c) General Grants Program ..... | 200,000 |

## SOURCE OF FUNDS:

|                                                              |           |           |
|--------------------------------------------------------------|-----------|-----------|
| (1) ASETF - Transfer .....                                   | 1,369,020 |           |
| (2) Federal and Local Funds .....                            | 535,000   |           |
| <hr/>                                                        |           |           |
| Total Alabama State Council<br>on the Arts and Humanities .. | 1,369,020 | 1,904,020 |

3. BUILDING COMMISSION,  
STATE:

|                                    |         |
|------------------------------------|---------|
| (a) Special Services Program ..... | 450,000 |
|------------------------------------|---------|

## SOURCE OF FUNDS:

|                                          |         |         |
|------------------------------------------|---------|---------|
| (1) ASETF - Transfer .....               | 450,000 |         |
| <hr/>                                    |         |         |
| Total State Building<br>Commission ..... | 450,000 | 450,000 |

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|    |                                                                                                                        | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|----|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|    |                                                                                                                        | ASETF                                           | Trust<br>Funds |                               |
| 4. | DATA SYSTEMS<br>MANAGEMENT DIVISION,<br>DEPARTMENT OF FINANCE-:                                                        |                                                 |                |                               |
|    | (a) Administrative Support Serv-<br>ices Program .....                                                                 |                                                 |                | 7,000,000                     |
|    | This appropriation is to be ex-<br>pended for capital outlay and<br>operation and maintenance of<br>the supercomputer. |                                                 |                |                               |
|    | SOURCE OF FUNDS:                                                                                                       |                                                 |                |                               |
|    | (1) ASETF .....                                                                                                        | 7,000,000                                       |                |                               |
|    | Total Department of Finance -<br>Data Systems Management<br>Division .....                                             | 7,000,000                                       |                | 7,000,000                     |
| 5. | DEBT SERVICE:                                                                                                          |                                                 |                |                               |
|    | (a) Debt Service Program .....                                                                                         |                                                 |                | 649,708                       |
|    | For interest on Endowments as<br>follows:                                                                              |                                                 |                |                               |
|    | For interest on University of<br>Montevallo (Alabama College)<br>Endowment,<br>Estimated .....34,964                   |                                                 |                |                               |
|    | For interest on Auburn Uni-<br>versity Endowment .....20,280                                                           |                                                 |                |                               |
|    | For interest on University of<br>Alabama Endowment ..61,000                                                            |                                                 |                |                               |
|    | For interest on Grove Hill<br>Endowment .....600                                                                       |                                                 |                |                               |
|    | For interest on Public School<br>Fund Endowment:                                                                       |                                                 |                |                               |
|    | Interest on 16th Section Lands,<br>Estimated .....410,000                                                              |                                                 |                |                               |
|    | Interest on School Indemnity<br>Lands, Estimated .....90,000                                                           |                                                 |                |                               |
|    | Interest on Valueless 16th Sec-<br>tion Lands .....5,825                                                               |                                                 |                |                               |
|    | Interest on Surplus<br>Revenue .....26,764                                                                             |                                                 |                |                               |
|    | Interest on James Wallace<br>Fund ..... <u>275</u>                                                                     |                                                 |                |                               |
|    | Total Interest on Public School<br>Fund Endowment .....532,864                                                         |                                                 |                |                               |

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|                                                                                                                                 |                                                                 | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                 |                                                                 | ASETF                                           | Trust<br>Funds |                               |
| SOURCE OF FUNDS:                                                                                                                |                                                                 |                                                 |                |                               |
|                                                                                                                                 | (1) ASETF .....                                                 | 649,708                                         |                |                               |
|                                                                                                                                 | Total Debt Service .....                                        | 649,708                                         |                | 649,708                       |
| 6.                                                                                                                              | DENTAL SCHOLARSHIP<br>AWARDS, BOARD OF:                         |                                                 |                |                               |
|                                                                                                                                 | (a) Support of Other Educational<br>Activities Program .....    |                                                 |                | 176,000                       |
| SOURCE OF FUNDS:                                                                                                                |                                                                 |                                                 |                |                               |
|                                                                                                                                 | (1) ASETF .....                                                 | 176,000                                         |                |                               |
|                                                                                                                                 | Total Board of Dental Schol-<br>arship Awards .....             | 176,000                                         |                | 176,000                       |
| To be expended under the pro-<br>visions of <u>Code of Alabama</u><br>1975, as amended, Sections 16-<br>47-76 through 16-47-81. |                                                                 |                                                 |                |                               |
| 7.                                                                                                                              | EDUCATION, DEPARTMENT<br>OF:                                    |                                                 |                |                               |
|                                                                                                                                 | (a) Administrative Services<br>Program .....                    |                                                 |                | 11,155,704                    |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                         |                                                                 |                                                 |                |                               |
|                                                                                                                                 | Compact for<br>Education .....                                  | 44,000                                          |                |                               |
|                                                                                                                                 | Operations and Maintenance<br>of Department .....               | 1,774,336                                       |                |                               |
| SOURCE OF FUNDS:                                                                                                                |                                                                 |                                                 |                |                               |
|                                                                                                                                 | (1) ASETF .....                                                 | 1,818,336                                       |                |                               |
|                                                                                                                                 | (2) Federal and Local Funds .....                               |                                                 | 9,337,368      |                               |
|                                                                                                                                 | Total Administrative Services<br>Program .....                  | 1,818,336                                       | 9,337,368      | 11,155,704                    |
|                                                                                                                                 | (b) Adult Basic Education/Com-<br>munity Education Program .... |                                                 |                | 5,417,811                     |
| The ASETF monies included<br>in the above program are to be<br>distributed by the Department<br>of Education as follows:        |                                                                 |                                                 |                |                               |
|                                                                                                                                 | Adult Basic<br>Education .....                                  | 2,323,617                                       |                |                               |
|                                                                                                                                 | Community<br>Education .....                                    | 576,828                                         |                |                               |

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| Fund Sources Included<br>In Appropriation Total |                |                               |
|-------------------------------------------------|----------------|-------------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br><u>Total</u> |

Of the above appropriation to the Department of Education for Community Education, \$85,000 shall be allocated to the Birmingham Board of Education's Department of Community Education.

SOURCE OF FUNDS:

|                                                                      |           |           |           |
|----------------------------------------------------------------------|-----------|-----------|-----------|
| (1) ASETF .....                                                      | 2,900,445 |           |           |
| (2) Federal and Local Funds                                          |           | 2,517,366 |           |
| Total Adult Basic Education/<br>Community Education<br>Program ..... | 2,900,445 | 2,517,366 | 5,417,811 |

- (c) Direct Client Services for the Handicapped ..... 49,829,350

The ASETF monies included in the above program are to be distributed by the Department of Education as follows:

Crippled Children Services  
Program ..... 5,620,313

Of the above appropriation to the Department of Education's Crippled Children Services Program, \$400,000 shall be allocated to United Cerebral Palsy of Alabama.

Handicapped Recreation  
Program ..... 193,804

To provide recreation and services at a year-round accredited handicapped recreation facility.

Hemophilia Program .. 296,520

Homebound  
Program ..... 4,000,000

Rehabilitation Services  
Program ..... 7,073,843

Of the above appropriation to Rehabilitation Services Program, \$250,000 shall be used for the Deaf Support Service Program.

SOURCE OF FUNDS:

- (1) ASETF ..... 17,184,480

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|                                                                                                                                                                                                                                                                 |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                 |  | ASETF                                           | Trust<br>Funds |                        |
| (2) Federal and Local Funds                                                                                                                                                                                                                                     |  |                                                 | 32,644,870     |                        |
| Total Direct Client Services for<br>the Handicapped .....                                                                                                                                                                                                       |  | 17,184,480                                      | 32,644,870     | 49,829,350             |
| (d) Emergency Medical Services<br>Education Program .....                                                                                                                                                                                                       |  |                                                 |                | 1,725,571              |
| The ASETF monies included<br>in the above program are to be<br>distributed by the Department<br>of Education as follows:                                                                                                                                        |  |                                                 |                |                        |
| (1) Birmingham Regional<br>Emergency Medical<br>System .....                                                                                                                                                                                                    |  |                                                 | 266,762        |                        |
| (2) East Alabama Emergency<br>Medical Services,<br>Inc. ....                                                                                                                                                                                                    |  |                                                 | 266,762        |                        |
| (3) North Alabama Emer-<br>gency Medical Services,<br>Inc. ....                                                                                                                                                                                                 |  |                                                 | 266,762        |                        |
| (4) Southeast Alabama Emer-<br>gency Medical Services<br>System, Inc. ....                                                                                                                                                                                      |  |                                                 | 266,762        |                        |
| (5) Southwest Alabama Emer-<br>gency Medical Services<br>Council, Inc. ....                                                                                                                                                                                     |  |                                                 | 266,762        |                        |
| (6) West Alabama Emergency<br>Medical Services,<br>Inc. ....                                                                                                                                                                                                    |  |                                                 | 266,761        |                        |
| (7) Trenholm State Technical<br>College .....                                                                                                                                                                                                                   |  |                                                 | 125,000        |                        |
| The amounts herein appropri-<br>ated shall be used for the op-<br>eration and maintenance of the<br>various medical services pro-<br>grams named and for the pur-<br>chase of instructional supplies<br>and new instructional equip-<br>ment for such programs. |  |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                |  |                                                 |                |                        |
| (1) ASETF .....                                                                                                                                                                                                                                                 |  | 1,725,571                                       |                |                        |
| Total Emergency Medical<br>Services Education Program ..                                                                                                                                                                                                        |  | 1,725,571                                       |                | 1,725,571              |
| (e) Financial Assistance<br>Program .....                                                                                                                                                                                                                       |  |                                                 |                | 235,352,376            |
| The proposed spending plan for<br>the ASETF monies included in                                                                                                                                                                                                  |  |                                                 |                |                        |



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| Fund Sources Included<br>In Appropriation Total                                                         |           |                |                               |
|---------------------------------------------------------------------------------------------------------|-----------|----------------|-------------------------------|
|                                                                                                         | ASETF     | Trust<br>Funds | Appropriation<br><u>Total</u> |
| the above program is as fol-<br>lows:                                                                   |           |                |                               |
| Elementary Teachers<br>Scholarships .....23,760                                                         |           |                |                               |
| To be paid in accordance with<br><u>Code of Alabama 1975, as</u><br><u>amended, Section 16-23-17.</u>   |           |                |                               |
| SOURCE OF FUNDS:                                                                                        |           |                |                               |
| (1) ASETF .....                                                                                         | 23,760    |                |                               |
| (2) Federal and Local Funds                                                                             |           | 235,328,616    |                               |
| <hr/>                                                                                                   |           |                |                               |
| Total Financial Assistance<br>Program .....                                                             | 23,760    | 235,328,616    | 235,352,376                   |
| <hr/>                                                                                                   |           |                |                               |
| (f) Instructional Technical Assis-<br>tance Program .....                                               |           |                | 9,742,744                     |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows: |           |                |                               |
| Basic Skills Program ..949,215                                                                          |           |                |                               |
| Early Childhood Education<br>Administration .....97,998                                                 |           |                |                               |
| Instructional Technical<br>Assistance ..... 1,283,181                                                   |           |                |                               |
| Special Education<br>Administration .....400,902                                                        |           |                |                               |
| Vocational Education<br>Administration .....811,153                                                     |           |                |                               |
| SOURCE OF FUNDS:                                                                                        |           |                |                               |
| (1) ASETF .....                                                                                         | 3,542,449 |                |                               |
| (2) Federal and Local Funds                                                                             |           | 6,200,295      |                               |
| <hr/>                                                                                                   |           |                |                               |
| Total Instructional Technical<br>Assistance Program .....                                               | 3,542,449 | 6,200,295      | 9,742,744                     |
| <hr/>                                                                                                   |           |                |                               |
| (g) Local Agency Support<br>Program .....                                                               |           |                | 18,715,981                    |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows: |           |                |                               |
| Advanced Placement ..468,891                                                                            |           |                |                               |
| Career Incentive<br>Program .....468,891                                                                |           |                |                               |
| Driver Education, School Bus<br>Driver Training and Vehicle<br>Safety Inspection .....249,450           |           |                |                               |

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|                                                                                                         |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|---------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------|----------------|------------------------|
|                                                                                                         |            | ASETF                                           | Trust<br>Funds |                        |
| Free Textbooks .....                                                                                    | 13,306,151 |                                                 |                |                        |
| Guidance and<br>Counseling .....                                                                        | 150,000    |                                                 |                |                        |
| Operations and<br>Maintenance .....                                                                     | 448,953    |                                                 |                |                        |
| School Attendance .....                                                                                 | 76,204     |                                                 |                |                        |
| School Facilities and Architec-<br>tural Services .....                                                 | 196,934    |                                                 |                |                        |
| Testing .....                                                                                           | 1,209,464  |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                        |            |                                                 |                |                        |
| (1) ASETF .....                                                                                         | 16,574,938 |                                                 |                |                        |
| (2) Federal and Local Funds                                                                             |            |                                                 | 2,141,043      |                        |
| Total Local Agency Support<br>Program .....                                                             | 16,574,938 | 2,141,043                                       |                | 18,715,981             |
| (h) Regulation Program .....                                                                            |            |                                                 |                | 1,954,922              |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows: |            |                                                 |                |                        |
| Operations and<br>Maintenance .....                                                                     | 306,027    |                                                 |                |                        |
| Teacher Certification and<br>Accreditation .....                                                        | 385,851    |                                                 |                |                        |
| Undergraduate/Graduate Pro-<br>gram Approval .....                                                      | 251,232    |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                        |            |                                                 |                |                        |
| (1) ASETF .....                                                                                         | 943,110    |                                                 |                |                        |
| (2) Federal and Local Funds                                                                             |            |                                                 | 1,011,812      |                        |
| Total Regulation Program .....                                                                          | 943,110    | 1,011,812                                       |                | 1,954,922              |
| (i) Support of Other Educational<br>Activities Program .....                                            |            |                                                 |                | 8,839                  |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows: |            |                                                 |                |                        |
| Education of Dependents of<br>Blind Parents .....                                                       | 8,839      |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                        |            |                                                 |                |                        |
| (1) ASETF .....                                                                                         | 8,839      |                                                 |                |                        |
| Total Support of Other Edu-<br>cational Activities Program ....                                         | 8,839      |                                                 |                | 8,839                  |
| For reimbursement of every<br>state institution of higher                                               |            |                                                 |                |                        |

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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                      |             |                |                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------|-------------------------------|
|                                                                                                                                                                                                                                      | ASETF       | Trust<br>Funds | Appropriation<br><u>Total</u> |
| learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of <u>Code of Alabama 1975, as amended, Sections 16-33-1 through 16-33-12.</u> |             |                |                               |
| (j) Support of State Universities Program .....                                                                                                                                                                                      |             |                | 50,000                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                     |             |                |                               |
| (1) Federal and Local Funds .....                                                                                                                                                                                                    | 50,000      |                |                               |
| Total Support of State Universities Program .....                                                                                                                                                                                    | 50,000      |                | 50,000                        |
| (k) Projects-Vocational Rehabilitation/Crippled Children Services Program .....                                                                                                                                                      |             |                | 1,300,624                     |
| The ASETF monies included in the above program are to be distributed by the Department of Education as follows:                                                                                                                      |             |                |                               |
| Eye Injury Register .....19,380                                                                                                                                                                                                      |             |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                                                                     |             |                |                               |
| (1) ASETF .....                                                                                                                                                                                                                      | 19,380      |                |                               |
| (2) Federal and Local Funds .....                                                                                                                                                                                                    | 1,281,244   |                |                               |
| Total Projects-Vocational Rehabilitation/Crippled Children Services Program .....                                                                                                                                                    | 19,380      | 1,281,244      | 1,300,624                     |
| (l) Disability Determination for Social Security Program .....                                                                                                                                                                       |             |                | 20,654,654                    |
| SOURCE OF FUNDS:                                                                                                                                                                                                                     |             |                |                               |
| (1) Federal and Local Funds .....                                                                                                                                                                                                    | 20,654,654  |                |                               |
| Total Disability Determination for Social Security Program .....                                                                                                                                                                     | 20,654,654  |                | 20,654,654                    |
| TOTAL DEPARTMENT OF EDUCATION:                                                                                                                                                                                                       |             |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                                                                     |             |                |                               |
| (1) ASETF .....                                                                                                                                                                                                                      | 44,741,308  |                |                               |
| (2) Federal and Local Funds .....                                                                                                                                                                                                    | 311,167,268 |                |                               |
| GRAND TOTAL DEPARTMENT OF EDUCATION .....                                                                                                                                                                                            | 44,741,308  | 311,167,268    | 355,908,576                   |

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|------------------------------------------------------------------------------|-------------|----------------|------------------------|
|                                                                              | ASETF       | Trust<br>Funds | Appropriation<br>Total |
| 8. EDUCATION, STATE BOARD<br>OF - MINIMUM PROGRAM<br>AND PUBLIC SCHOOL FUND: |             |                |                        |
| (a) Financial Assistance                                                     |             |                |                        |
| Program .....                                                                |             |                | 616,367,395            |
| SOURCE OF FUNDS:                                                             |             |                |                        |
| (1) ASETF .....                                                              | 566,690,910 |                |                        |
| (2) Public School Fund .....                                                 |             | 45,000,000     |                        |
| (3) Local Funds .....                                                        |             | 4,676,485      |                        |
| Total Minimum Program,<br>Public School Fund and Local<br>Funds .....        | 566,690,910 | 49,676,485     | 616,367,395            |

The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1987-88 is based on 22,640 teacher units. It is provided in the event that there are more than 22,640 earned teacher units for the fiscal year 1987-88, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$45,000,000 available from the Public School Fund for the fiscal year 1987-88, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the total shall not exceed the sum of \$473,533,768. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| Rank | Salary Allotment | Number of TU | Total          |
|------|------------------|--------------|----------------|
| AA   | \$ 22,812        | 3,289.59     | \$ 75,042,127  |
| I    | 21,359           | 13,986.99    | 298,748,119    |
| II   | 18,597           | 5,363.42     | 99,743,522     |
| III  | 15,658           | 0.00         | 0              |
| IV   | 13,598           | 0.00         | 0              |
|      |                  | 22,640.00    | \$ 473,533,768 |

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,264,000.

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| Fund Sources Included<br>In Appropriation Total |                |                        |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br>Total |

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$89,051,044. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,324,440.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$50,044,143.

9. EDUCATION, STATE BOARD  
OF - LOCAL BOARDS:

(a) Financial Assistance  
Program ..... 448,158,412

SOURCE OF FUNDS:

(1) ASETF ..... 448,158,412

Total State Board of Educa-  
tion - Local Boards ..... 448,158,412      448,158,412

To be distributed by the State  
Board of Education for:

(1) Teachers' Sick  
Leave ..... 4,335,405

Of the appropriation here-  
inabove made for Teach-  
ers' Sick Leave, the rate of  
not more than \$20.50 per  
day is hereby appropri-  
ated. It is the intent of the  
Legislature that the rate of  
local supplements paid by  
each school system for  
teachers' sick leave for the  
1985-86 fiscal year be con-  
tinued at that rate through  
the 1987-88 fiscal year. The  
above appropriation shall  
be in addition to any local  
supplements paid for  
teachers' sick leave within  
a system.

(2) Support Personnel Sick  
Leave ..... 1,769,017

Of the appropriation here-  
inabove made for Support  
Personnel Sick Leave, in

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Fund Sources Included  
In Appropriation Total

| ASETF | Trust<br>Funds | Appropriation<br><u>Total</u> |
|-------|----------------|-------------------------------|
|-------|----------------|-------------------------------|

accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

- (3) Teachers' Personal  
Leave ..... 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1985-86 fiscal year be continued at that rate through the 1987-88 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

- (4) Support Personnel Personal Leave ..... 537,561

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

- (5) Classroom Instructional Supplies ..... 10,934,575

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby ap-

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| Fund Sources Included<br>In Appropriation Total |                |                               |
|-------------------------------------------------|----------------|-------------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br><u>Total</u> |

appropriated an amount not to exceed two hundred seventy-seven dollars (\$277) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$10,934,575 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated

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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                      |            | Appropriation<br><u>Total</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------|-------------------------------|
| ASETF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Trust<br>Funds                                                       |            |                               |
| <p>herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund each local school system shall expend at least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of <u>Code of Alabama 1975, as amended, Section 16-13-144.</u></p>                                                                      |                                                                      |            |                               |
| (6)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Maintenance .....                                                    | 6,398,059  |                               |
| (7)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Continuation of Funds Previously Granted for Special Education ..... | 23,950,161 |                               |
| <p>Of the above appropriation, \$500,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders.</p>                                                                                                                                                                                                                                                                                                                                                                         |                                                                      |            |                               |
| (8)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Special Schools for Special Education .....                          | 2,799,000  |                               |
| <p>To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$247,500 shall be allocated to the Vivian B. Adams School; \$22,500 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama;</p> |                                                                      |            |                               |



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Fund Sources Included  
In Appropriation Total

| ASETF | Trust<br>Funds | Appropriation<br><u>Total</u> |
|-------|----------------|-------------------------------|
|-------|----------------|-------------------------------|

\$22,500 shall be allocated to the Hope Haven School in Colbert County; \$22,500 shall be allocated to the Jasper Shriner School; \$22,500 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$31,500 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$67,500 shall be allocated to Project Independence in Coffee County, Alabama; \$45,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Alice Pigman School; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in public schools; \$360,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$45,000 shall be allocated to the Geneva County Day Care and Training Center; \$45,000 shall be allocated to McGraw Activity Center; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be

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| Fund Sources Included<br>In Appropriation Total |                |                               |
|-------------------------------------------------|----------------|-------------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br><u>Total</u> |

allocated to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$45,000 shall be allocated to the Dallas County Day Care and Training Center; \$45,000 shall be allocated to Calhoun County Community-"EDUCATION PAR EXCELLENCE"; \$22,500 shall be allocated to the North Talladega County Association for Retarded Citizens, Inc.; \$22,500 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$13,500 shall be allocated to the ECHO FOUNDATION; \$90,000 shall be allocated to the Alan Cott School; \$15,300 shall be allocated to the Tannehill Learning Center; \$130,500 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purposes of Code of Alabama 1975, as amended, Sections 16-39-3, and P.L. 94-142.

- (9) Kindergarten Teacher  
Units ..... 61,504,257

The above appropriation is for 2,561 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$51,281,129. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

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| <u>Rank</u> | <u>Salary Allotment</u> | <u>Fund Sources Included<br/>In Appropriation Total</u> |                        | <u>Appropriation<br/>Total</u> |
|-------------|-------------------------|---------------------------------------------------------|------------------------|--------------------------------|
|             |                         | <u>ASETF</u>                                            | <u>Trust<br/>Funds</u> |                                |
| AA          | \$ 22,812               | 128.56                                                  |                        | \$ 2,932,711                   |
| I           | 21,359                  | 1,126.84                                                |                        | 24,068,175                     |
| II          | 18,597                  | 1,305.60                                                |                        | 24,280,243                     |
|             |                         | 2,561.00                                                |                        | \$ 51,281,129                  |

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$10,073,309. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$149,819.

Of the above appropriation for Kindergarten Teacher Units, nine (9) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of twenty (20) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 2,561 teacher units are earned for the fiscal year 1987-88, then such amount shall not be allotted or paid. In the event more than 2,561 teacher units are earned for the fiscal year 1987-88, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (10) Continuation of Teacher Units to reduce pupil-teacher ratio in grades  
1-6 ..... 15,812,342

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,217,639. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u>  |
|-------------|-------------------------|---------------------|---------------|
| AA          | \$ 22,812               | 93.02               | \$ 2,121,972  |
| I           | 21,359                  | 267.02              | 5,703,280     |
| II          | 18,597                  | 289.96              | 5,392,387     |
|             |                         | 650.00              | \$ 13,217,639 |

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$2,556,678. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$38,025.

(11) Teacher Units to Reduce  
Pupil-Teacher Ratio in  
Grade 1 ..... 2,676,003

The above appropriation  
is for 110 teacher units  
and includes salaries,  
other current expense,  
and capital improve-  
ments at the following  
rates:

For "Salaries" the total shall not exceed the sum of \$2,236,899. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u>        |
|-------------|-------------------------|---------------------|---------------------|
| AA          | \$ 22,812               | 15.75               | \$ 359,289          |
| I           | 21,359                  | 45.20               | 965,427             |
| II          | 18,597                  | 49.05               | 912,183             |
|             |                         | <u>110.00</u>       | <u>\$ 2,236,899</u> |

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$432,669. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$6,435.

(12) Supportive Teacher  
Units ..... 42,832,521

The above appropriation  
provides for one extra  
unit or fraction thereof for  
each aggregate of fifteen  
(15) units or fraction  
thereof earned on regular  
units in the Minimum  
Program, Kindergarten  
Teacher Units in (9) and  
Continuation Teacher  
Units in (10). The above  
appropriation is for 1,724  
teacher units and in-  
cludes salaries, other cur-  
rent expense, and capital  
improvements at the fol-  
lowing rates:

For "Salaries" the total shall not exceed the sum of \$35,950,572. The State Board of Education shall have the discretion to redistribute the number of teacher

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| Fund Sources Included<br>In Appropriation Total |                |                        |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br>Total |

units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u>         |
|-------------|-------------------------|---------------------|----------------------|
| AA          | \$ 22,812               | 300.84              | \$ 6,862,762         |
| I           | 21,359                  | 949.06              | 20,270,972           |
| II          | 18,597                  | 474.10              | 8,816,838            |
|             |                         | <u>1,724.00</u>     | <u>\$ 35,950,572</u> |

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$6,781,095. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$100,854.

- (13) Special Education  
Teacher  
Units ..... 88,010,146  
The above appropriation  
is for 3,500 teacher units  
and includes salaries,  
other current expense,  
capital improvements and  
transportation at the fol-  
lowing rates:

For "Salaries" the total shall not exceed the sum of \$73,275,471. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u>         |
|-------------|-------------------------|---------------------|----------------------|
| AA          | \$ 22,812               | 288.05              | \$ 6,570,997         |
| I           | 21,359                  | 2,524.20            | 53,914,387           |
| II          | 18,597                  | 687.75              | 12,790,087           |
|             |                         | <u>3,500.00</u>     | <u>\$ 73,275,471</u> |

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$13,766,725. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200.

- (14) Driver Education Teacher  
Units ..... 7,199,879  
The above appropriation  
is for 290 driver educa-  
tion units or other teacher

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|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,042,242. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u> |
|-------------|-------------------------|---------------------|--------------|
| AA          | \$ 22,812               | 19.00               | \$ 433,428   |
| I           | 21,359                  | 206.02              | 4,400,381    |
| II          | 18,597                  | 64.98               | 1,208,433    |
|             |                         | 290.00              | \$ 6,042,242 |

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$1,140,672. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(15) Vocational  
Education ..... 74,732,195

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, \$175 shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$499,100 shall be expended solely for vocational support and instructional supplies. Each local school system shall provide an itemized statement of the expenditures from the above appropriation as an attachment to the annual financial report required by the provisions of Code of Alabama 1975, as amended, Section 16-9-31. Any of the \$499,100 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$499,100 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

(16) Teachers' Free  
Time ..... 3,500,000  
To be distributed by the  
State Board of Education

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| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-------------------------------------------------|----------------|-------------------------------|
| ASETF                                           | Trust<br>Funds |                               |

to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty minutes of time free from instructional or supervisory responsibilities each teaching day.

- (17) Career Ladder Salary Increases for Tenured Teachers (Estimated) ..... 67,065,303

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

- (18) Support Personnel Salary Increase (Estimated) ..... 25,129,090

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and

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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                |            | Appropriation<br><u>Total</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|------------|-------------------------------|
| ASETF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            | Trust<br>Funds |            |                               |
| student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above. |            |                |            |                               |
| (19) Library Enhancement (K-12) ..... 3,986,803                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                |            |                               |
| To be used for the purchase of books and/or audio visual equipment.                                                                                                                                                                                                                                                                                                                                                                                                                  |            |                |            |                               |
| To be distributed based upon a procedure to be determined by the State Board of Education.                                                                                                                                                                                                                                                                                                                                                                                           |            |                |            |                               |
| (20) Career Incentive Program ..... 3,900,000                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |                |            |                               |
| To be distributed by the State Board of Education to all local boards of education for Career Incentive Program coordinators with selection to be approved by the State Superintendent of Education.                                                                                                                                                                                                                                                                                 |            |                |            |                               |
| 10. EDUCATION, STATE BOARD OF - JUNIOR COLLEGE SYSTEM:                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                |            |                               |
| (a) Operations and Maintenance                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 58,064,941 | 22,370,243     | 80,435,184 |                               |
| (b) High Technology Equipment                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 190,076    |                | 190,076    |                               |
| (c) Library Enhancement .....                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 221,245    |                | 221,245    |                               |
| (d) Program Enhancement .....                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 125,000    |                | 125,000    |                               |
| (e) Auxiliary Enterprises .....                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            | 7,213,827      | 7,213,827  |                               |



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|                            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|----------------------------|-------------------------------------------------|----------------|------------------------|
|                            | ASETF                                           | Trust<br>Funds |                        |
| (f) Restricted Funds ..... |                                                 | 20,167,870     | 20,167,870             |

**SOURCE OF FUNDS:**

|                                                                |            |            |             |
|----------------------------------------------------------------|------------|------------|-------------|
| (1) ASETF .....                                                | 58,601,262 |            |             |
| (2) Other Funds .....                                          |            | 49,751,940 |             |
| Total State Board of Educa-<br>tion - Junior College System .. | 58,601,262 | 49,751,940 | 108,353,202 |

- (1) The Operations and Maintenance appropriation above of \$58,064,941 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:
  - (a) Junior colleges with credit-producing programs in Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$166,529.
  - (b) The sum of \$200,000 to each junior college.
  - (c) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1985-86 and the fall, winter and spring quarters of the school year 1986-87 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1985-86 and the fall, winter, and spring quarters of the school year 1986-87 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.
- (2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is

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| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

to be distributed to the junior colleges listed above in (1b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

- (3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1b) on a fall quarter 1987-88 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

11. EDUCATION, STATE BOARD  
OF - TECHNICAL COLLEGE  
SYSTEM:

|                                 |            |            |            |
|---------------------------------|------------|------------|------------|
| (a) Operations and Maintenance  | 47,614,923 | 17,343,529 | 64,958,452 |
| (b) High Technology Equipment   | 190,076    |            | 190,076    |
| (c) Library Enhancement .....   | 114,509    |            | 114,509    |
| (d) Auxiliary Enterprises ..... |            | 5,493,635  | 5,493,635  |
| (e) Restricted Funds .....      |            | 11,841,471 | 11,841,471 |
| (f) Equipment .....             | 50,000     |            | 50,000     |

SOURCE OF FUNDS:

|                       |            |            |
|-----------------------|------------|------------|
| (1) ASETF .....       | 47,969,508 |            |
| (2) Other Funds ..... |            | 34,678,635 |

Total State Board of Educa-  
tion - Technical College  
System .....

|            |            |            |
|------------|------------|------------|
| 47,969,508 | 34,678,635 | 82,648,143 |
|------------|------------|------------|

- (1) The Operations and Maintenance appropriation above of \$47,614,923 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows:

- (a) Technical Colleges with programs generating contact hours at Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$480,625.

- (b) The remainder of the appropriation is to be allotted to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community

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Fund Sources Included  
In Appropriation Total

| ASETF | Trust<br>Funds | Appropriation<br><u>Total</u> |
|-------|----------------|-------------------------------|
|-------|----------------|-------------------------------|

College-Technical Division; (7) Carver State Technical College; (8) J.F. Drake State Technical College; (9) Gadsden State Community College; (10) Richmond P. Hobson State Technical College; (11) J.F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N.F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C.A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

- (2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.
- (3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a fall quarter 1987-88 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

**12. EXAMINERS OF PUBLIC  
ACCOUNTS:**

|                                                             |           |
|-------------------------------------------------------------|-----------|
| (a) Legislative Support - Audit<br>Services Program .....   | 4,037,924 |
| For purposes of auditing all<br>phases of public education. |           |
| <b>SOURCE OF FUNDS:</b>                                     |           |
| (1) ASETF - Transfer .....                                  | 4,037,924 |
| Total Examiners of Public<br>Accounts .....                 | 4,037,924 |
|                                                             | 4,037,924 |

**13. FINE ARTS, ALABAMA  
SCHOOL OF:**

|                             |           |
|-----------------------------|-----------|
| (a) Fine Arts Program ..... | 1,115,271 |
| <b>SOURCE OF FUNDS:</b>     |           |
| (1) ASETF .....             | 847,892   |

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|                                                                                |                                                                                                           | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                                |                                                                                                           | ASETF                                           | Trust<br>Funds |                        |
| (2) Federal and Local Funds                                                    |                                                                                                           |                                                 | 267,379        |                        |
| Total Alabama School of Fine Arts .....                                        |                                                                                                           | 847,892                                         | 267,379        | 1,115,271              |
| 14.                                                                            | FIRE COLLEGE, ALABAMA<br>STATE - SHELTON STATE<br>COMMUNITY COLLEGE:                                      |                                                 |                |                        |
|                                                                                | (a) Operations and Maintenance                                                                            | 466,847                                         | 167,184        | 634,031                |
|                                                                                | (b) Auxiliary Enterprises .....                                                                           |                                                 | 211,686        | 211,686                |
|                                                                                | (c) Restricted Funds .....                                                                                |                                                 | 308,182        | 308,182                |
| SOURCE OF FUNDS:                                                               |                                                                                                           |                                                 |                |                        |
|                                                                                | (1) ASETF .....                                                                                           | 466,847                                         |                |                        |
|                                                                                | (2) Other Funds .....                                                                                     |                                                 | 687,052        |                        |
| Total Alabama State Fire College - Shelton State Community College .....       |                                                                                                           | 466,847                                         | 687,052        | 1,153,899              |
| 15.                                                                            | FIREFIGHTERS' PERSONNEL<br>STANDARDS AND<br>EDUCATION COMMISSION,<br>ALABAMA:                             |                                                 |                |                        |
|                                                                                | (a) Professional and Occupational<br>Licensing and Regulation<br>Program .....                            |                                                 |                | 149,229                |
| SOURCE OF FUNDS:                                                               |                                                                                                           |                                                 |                |                        |
|                                                                                | (1) ASETF - Transfer .....                                                                                | 149,229                                         |                |                        |
| Total Alabama Firefighters' Personnel Standards and Education Commission ..... |                                                                                                           | 149,229                                         |                | 149,229                |
| 16.                                                                            | GADSDEN STATE<br>COMMUNITY COLLEGE:                                                                       |                                                 |                |                        |
|                                                                                | (a) Technical Assistance<br>Program .....                                                                 |                                                 |                | 300,000                |
|                                                                                | (For merger expense.)                                                                                     |                                                 |                |                        |
| SOURCE OF FUNDS:                                                               |                                                                                                           |                                                 |                |                        |
|                                                                                | (1) ASETF .....                                                                                           | 300,000                                         |                |                        |
| Total Gadsden State Community College .....                                    |                                                                                                           | 300,000                                         |                | 300,000                |
| 17.                                                                            | GOVERNOR'S EDUCATION<br>PROGRAM, STATE BOARD OF<br>EDUCATION - :                                          |                                                 |                |                        |
|                                                                                | (a) Financial Assistance<br>Program .....                                                                 |                                                 |                | 2,000,000              |
|                                                                                | For the continuation of the<br>program of in-service educational<br>centers established by<br>Act 84-622. |                                                 |                |                        |

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|                                                                     | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|---------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                     | ASETF                                           | Trust<br>Funds |                               |
| SOURCE OF FUNDS:                                                    |                                                 |                |                               |
| (1) ASETF .....                                                     | 2,000,000                                       |                |                               |
| <hr/>                                                               |                                                 |                |                               |
| Total State Board of Education - Governor's Education Program ..... | 2,000,000                                       |                | 2,000,000                     |
| <hr/>                                                               |                                                 |                |                               |

Of the above appropriation, \$168,000 shall be used to institute and conduct an annual program evaluation/accountability study of the Teacher in-service centers in the following manner:

- (a) The Alabama Commission on Higher Education shall establish a task force composed of a representative from each of the regional in-service center boards for the purpose of promulgating accountability standards for the operation of said in-service centers. Of the above \$168,000, an amount not to exceed \$10,000 shall be used to carry out the responsibility of the task force; and
- (b) The State Department of Education shall administer and coordinate the functions of the task force established in subsection (a) above and shall monitor and audit said existing in-service centers for compliance with the standards set out by the task force created in sub-section (a) above. The remainder of the above appropriation of \$2,000,000 shall be allotted in the following manner:
  - (aa) The sum of \$85,000 shall be distributed to each of the following in-service centers:
    - (1) Alabama A&M University,
    - (2) Alabama State University,
    - (3) Athens State College,
    - (4) Auburn University,
    - (5) Jacksonville State University,

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                | ASETF                                           | Trust<br>Funds |                               |
| (6) Troy State University,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                |                                                 |                |                               |
| (7) University of Alabama,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                |                                                 |                |                               |
| (8) University of Alabama-Birmingham,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                |                                                 |                |                               |
| (9) University of Montevallo,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                |                                                 |                |                               |
| (10) University of North Alabama<br>and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                |                                                 |                |                               |
| (11) University of South Alabama.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                |                                                 |                |                               |
| (bb) The remainder of the above<br>appropriation shall be allotted<br>to each in-service center based<br>on the number of state-funded<br>teacher units earned in each<br>region as reported by the State<br>Department of Education, Revised<br>Calculations for 1986-87<br>and the number of teachers<br>employed as reported on the<br>1986-87 LEA Personnel Report<br>for Additional Allocation<br>for Special Education and<br>State Vocational Education<br>Teachers. Each in-service center<br>shall be affiliated with the<br>same region each center served<br>on October 1, 1986. In addition,<br>the appropriation made in (aa) and (bb) above shall be<br>distributed to the named in-<br>service centers within five (5)<br>days of each quarterly allot-<br>ment to the State Department<br>of Education. |                                                                                                                                                                |                                                 |                |                               |
| 18.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | HEALTH, DEPARTMENT OF<br>PUBLIC:                                                                                                                               |                                                 |                |                               |
| (a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Health Support Services<br>Program .....                                                                                                                       |                                                 |                | 2,515,469                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Of the above appropriation,<br>\$302,130 shall be expended for<br>the continuation of the pro-<br>grams in Public School Food<br>Sanitation.                   |                                                 |                |                               |
| (b)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Personal Health Improvement<br>Program .....                                                                                                                   |                                                 |                | 2,024,920                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The above appropriation of<br>\$2,024,920 shall be expended<br>for continuation of the pro-<br>grams for immunization of pre-<br>school children and students. |                                                 |                |                               |

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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |                |                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------|-------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ASETF     | Trust<br>Funds | Appropriation<br><u>Total</u> |
| dental health and nursing serv-<br>ices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |                |                               |
| (c) Administrative Services<br>Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |                | 699,863                       |
| The above appropriation shall<br>be expended for the continua-<br>tion of the program in Primary<br>Preventive Health Education.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |                |                               |
| (1) ASETF - Transfer .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 5,240,252 |                |                               |
| Total Department of Public<br>Health .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 5,240,252 |                | 5,240,252                     |
| 19. HEALTH INSURANCE<br>BOARD, PUBLIC EDUCATION<br>EMPLOYEES':                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |                |                               |
| (a) Administrative Support Serv-<br>ices Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |                | 90,237,368                    |
| The above appropriation of<br>\$90,237,368 shall be expended<br>for Hospital/Medical or Dental<br>Insurance Assistance for<br>professional employees, full-<br>time support employees and<br>adult school bus drivers for<br>grades K-14 paid from State or<br>local funds, employees of the<br>Alabama Institute for the Deaf<br>and Blind, and retired employ-<br>ees eligible under the provi-<br>sions of Code of Alabama 1975,<br>as amended, Section 16-25A-<br>17. Full-time support employ-<br>ees shall be defined as those<br>support employees working a<br>minimum of 20 hours per week.<br>The appropriation shall be al-<br>located according to the pro-<br>visions of Code of Alabama<br>1975, as amended, Section 16-<br>25A-17. It is the intent of the<br>Legislature that the sum of<br>\$90,237,368 appropriated here-<br>inabove shall fund the Public<br>Education Employees Health<br>Insurance Program so that be-<br>ginning and during fiscal year<br>1988 all eligible full-time em-<br>ployees shall pay the premium |           |                |                               |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | Fund Sources Included<br>In Appropriation Total |                |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | ASETF                                           | Trust<br>Funds | Appropriation<br>Total |
| rate of \$2.00 per month and all retired eligible employees shall pay the rate of \$1.14 per month. The above contribution rate shall not be adjusted by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan. |  |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                 |                |                        |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | 90,237,368                                      |                |                        |
| Total Public Education Employees' Health Insurance Board .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | 90,237,368                                      |                | 90,237,368             |
| 20. HEALTH INSURANCE, STATE EMPLOYEES':                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                 |                |                        |
| (a) Employee Benefits Program, Estimated .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                 |                | 2,590,080              |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                 |                |                        |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | 2,590,080                                       |                |                        |
| Total State Employees' Health Insurance, Estimated .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | 2,590,080                                       |                | 2,590,080              |
| 21. HIGHER EDUCATION, ALABAMA COMMISSION ON:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                 |                |                        |
| (a) Planning and Coordination Services Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                 |                | 1,620,457              |
| The proposed spending plan for the ASETF monies included in the above program is as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                 |                |                        |
| Operations and Maintenance .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | 903,681                                         |                |                        |
| Program Evaluation ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | 200,037                                         |                |                        |
| Research Enhancement Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | 275,000                                         |                |                        |



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| Fund Sources Included<br>In Appropriation Total                                                                                             |           |                |  | Appropriation<br><u>Total</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------|--|-------------------------------|
| ASETF                                                                                                                                       |           | Trust<br>Funds |  |                               |
| SOURCE OF FUNDS:                                                                                                                            |           |                |  |                               |
| (1) ASETF .....                                                                                                                             | 1,378,718 |                |  |                               |
| (2) Federal and Local Funds .....                                                                                                           |           | 241,739        |  |                               |
| <hr/>                                                                                                                                       |           |                |  |                               |
| Total Planning and Coordination<br>Services Program (Total<br>Operations) .....                                                             | 1,378,718 | 241,739        |  | 1,620,457                     |
| <hr/>                                                                                                                                       |           |                |  |                               |
| (b) Student Financial Aid<br>Program .....                                                                                                  |           |                |  | 29,608,919                    |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is to be dis-<br>tributed through ACHE as fol-<br>lows: |           |                |  |                               |
| (1) Alabama Student Grant<br>Program .....                                                                                                  | 3,016,828 |                |  |                               |
| To be expended in accord-<br>ance with <u>Code of Ala-<br/>bama 1975, as amended,<br/>Sections 16-33A-1 through<br/>16-33A-11.</u>          |           |                |  |                               |
| (2) Alabama National Guard<br>Educational<br>Assistance .....                                                                               | 250,000   |                |  |                               |
| To be expended in accord-<br>ance with <u>Code of Ala-<br/>bama 1975, as amended,<br/>Sections 31-10-1 through<br/>31-10-4.</u>             |           |                |  |                               |
| (3) Emergency Secondary Ed-<br>ucation<br>Scholarships .....                                                                                | 1,044,083 |                |  |                               |
| To be expended in accord-<br>ance with <u>Code of Ala-<br/>bama 1975, as amended,<br/>Sections 16-23-18 through<br/>16-23-23.</u>           |           |                |  |                               |
| (4) Chiropractic<br>Scholarships .....                                                                                                      | 147,519   |                |  |                               |
| To be expended under the<br>provisions of <u>Code of Ala-<br/>bama 1975, as amended,<br/>Section 16-5-11.</u>                               |           |                |  |                               |
| (5) Alabama Student Assis-<br>tance Program ..                                                                                              | 1,998,524 |                |  |                               |
| SOURCE OF FUNDS:                                                                                                                            |           |                |  |                               |
| (1) ASETF .....                                                                                                                             | 6,456,954 |                |  |                               |

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|                                                                                                                                             |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                             |  | ASETF                                           | Trust<br>Funds |                               |
| (2) Federal and Local Funds                                                                                                                 |  |                                                 | 23,151,965     |                               |
| Total Student Financial Aid<br>Program .....                                                                                                |  | 6,456,954                                       | 23,151,965     | 29,608,919                    |
| (c) Support of Other Educational<br>Activities Program .....                                                                                |  |                                                 |                | 2,926,146                     |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is to be dis-<br>tributed through ACHE as fol-<br>lows: |  |                                                 |                |                               |
| (1) Network of Alabama Aca-<br>demic Libraries<br>(NAAL) .....                                                                              |  |                                                 | 580,342        |                               |
| (2) Southern Regional Edu-<br>cation Board<br>(SREB) .....                                                                                  |  |                                                 | 345,804        |                               |
| (3) EPSCoR-National Sci-<br>ence Foundation<br>Program .....                                                                                |  |                                                 | 2,000,000      |                               |
| SOURCE OF FUNDS:                                                                                                                            |  |                                                 |                |                               |
| (1) ASETF .....                                                                                                                             |  | 2,926,146                                       |                |                               |
| Total Support of Other Edu-<br>cational Activities Program ....                                                                             |  | 2,926,146                                       |                | 2,926,146                     |
| (d) Eminent Scholars Program ....                                                                                                           |  |                                                 |                | 2,200,000                     |
| SOURCE OF FUNDS:                                                                                                                            |  |                                                 |                |                               |
| (1) ASETF .....                                                                                                                             |  | 2,200,000                                       |                |                               |
| Total Eminent Scholars<br>Program .....                                                                                                     |  | 2,200,000                                       |                | 2,200,000                     |
| TOTAL ALABAMA COM-<br>MISSION ON HIGHER ED-<br>UCATION:                                                                                     |  |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                            |  |                                                 |                |                               |
| (1) ASETF .....                                                                                                                             |  | 12,961,818                                      |                |                               |
| (2) Federal and Local Funds                                                                                                                 |  |                                                 | 23,393,704     |                               |
| Grand Total Alabama Com-<br>mission on Higher Education                                                                                     |  | 12,961,818                                      | 23,393,704     | 36,355,522                    |
| 22. INDUSTRIAL<br>DEVELOPMENT TRAINING<br>INSTITUTE, ALABAMA:                                                                               |  |                                                 |                |                               |
| (a) Industrial Training Program ..                                                                                                          |  |                                                 |                | 1,712,258                     |
| (b) Industrial Development<br>Program .....                                                                                                 |  |                                                 |                | 2,000,000                     |
| The above appropriation of<br>\$2,000,000 to the Industrial                                                                                 |  |                                                 |                |                               |

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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                         |           |                |                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------|-------------------------------|
|                                                                                                                                                                                                                                                                                                                         | ASETF     | Trust<br>Funds | Appropriation<br><u>Total</u> |
| Development Program is to be funded from the one-time windfall to the ASETF resulting from the acceleration of payments of insurance premium taxes.                                                                                                                                                                     |           |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                        |           |                |                               |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                         | 3,712,258 |                |                               |
| Total Alabama Industrial Development Training Institute                                                                                                                                                                                                                                                                 | 3,712,258 |                | 3,712,258                     |
| 23. LAW INSTITUTE, ALABAMA:                                                                                                                                                                                                                                                                                             |           |                |                               |
| (a) Support of Other Educational Activities Program .....                                                                                                                                                                                                                                                               |           |                | 293,622                       |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                        |           |                |                               |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                         | 293,622   |                |                               |
| Total Alabama Law Institute                                                                                                                                                                                                                                                                                             | 293,622   |                | 293,622                       |
| 24. LEGISLATURE:                                                                                                                                                                                                                                                                                                        |           |                |                               |
| (a) Legislative Operations and Support Program .....                                                                                                                                                                                                                                                                    |           |                | 4,510,000                     |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                        |           |                |                               |
| (1) ASETF - Transfer .....                                                                                                                                                                                                                                                                                              | 4,510,000 |                |                               |
| Total Legislature                                                                                                                                                                                                                                                                                                       | 4,510,000 |                | 4,510,000                     |
| The above appropriation shall be expended under the provisions set forth in <u>Code of Alabama 1975</u> , as amended, Section 29-1-22.                                                                                                                                                                                  |           |                |                               |
| 25. LIBRARY SERVICE, ALABAMA PUBLIC:                                                                                                                                                                                                                                                                                    |           |                |                               |
| (a) Public Library Service Program .....                                                                                                                                                                                                                                                                                |           |                | 6,768,211                     |
| Of the above appropriation a total of \$10,000 is hereby appropriated for the purchase of TTY/TDD equipment for the hearing impaired. Said appropriation shall be distributed by the Alabama Public Library Service Board based on need to those regional libraries submitting project applications for said equipment. |           |                |                               |

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|                                                                                                                                                              |           | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                                              |           | ASETF                                           | Trust<br>Funds |                               |
| SOURCE OF FUNDS:                                                                                                                                             |           |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                              | 5,286,765 |                                                 |                |                               |
| (2) Federal and Local Funds .....                                                                                                                            |           |                                                 | 1,481,446      |                               |
| Total Alabama Public Library<br>Service .....                                                                                                                | 5,286,765 | 1,481,446                                       |                | 6,768,211                     |
| 26. MARINE ENVIRONMENTAL<br>SCIENCES CONSORTIUM:                                                                                                             |           |                                                 |                |                               |
| (a) Support of Other Educational<br>Activities Program .....                                                                                                 |           |                                                 |                | 1,088,803                     |
| Of the above appropriation to<br>the Marine Environmental<br>Sciences Consortium, \$150,000<br>shall be allocated for the K-12<br>program at Discovery Hall. |           |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                                             |           |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                              | 905,553   |                                                 |                |                               |
| (2) Federal and Local Funds .....                                                                                                                            |           |                                                 | 183,250        |                               |
| Total Marine Environmental<br>Sciences Consortium .....                                                                                                      | 905,553   | 183,250                                         |                | 1,088,803                     |
| 26A. MEDICAID AGENCY,<br>ALABAMA:                                                                                                                            |           |                                                 |                |                               |
| (a) Perinatal Program .....                                                                                                                                  |           |                                                 |                | 3,743,916                     |
| SOURCE OF FUNDS:                                                                                                                                             |           |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                              | 1,000,000 |                                                 |                |                               |
| (2) Federal, Local and Miscel-<br>laneous Funds .....                                                                                                        |           |                                                 | 2,743,916      |                               |
| Total Alabama Medicaid<br>Agency .....                                                                                                                       | 1,000,000 | 2,743,916                                       |                | 3,743,916                     |
| 27. MEDICAL SCHOLARSHIPS<br>AWARDS, BOARD OF:                                                                                                                |           |                                                 |                |                               |
| (a) Support of Other Educational<br>Activities Program .....                                                                                                 |           |                                                 |                | 677,000                       |
| SOURCE OF FUNDS:                                                                                                                                             |           |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                              | 677,000   |                                                 |                |                               |
| Total Board of Medical Schol-<br>arships Awards .....                                                                                                        | 677,000   |                                                 |                | 677,000                       |
| To be expended under the pro-<br>visions of Code of Alabama<br>1975, as amended, Sections 16-<br>47-121 through 16-47-129.                                   |           |                                                 |                |                               |

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|     |                                                                                                                                                                                 | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|     |                                                                                                                                                                                 | ASETF                                           | Trust<br>Funds |                               |
| 28. | NURSING, ALABAMA BOARD<br>OF:                                                                                                                                                   |                                                 |                |                               |
| (a) | Professional and Occupational<br>Licensing and Regulation<br>Program .....                                                                                                      |                                                 |                | 1,016,304                     |
|     | SOURCE OF FUNDS:                                                                                                                                                                |                                                 |                |                               |
| (1) | ASETF - Transfer - as<br>provided in <u>Code of Ala-<br/>bama 1975</u> , as amended,<br>Sections 34-21-60 through<br>34-21-63 .....                                             | 57,000                                          |                |                               |
| (2) | Alabama Board of Nursing<br>Trust Fund - as provided<br>in <u>Code of Alabama 1975</u> ,<br>as amended, Sections 34-<br>21-1 through 34-21-43 .....                             |                                                 | 959,304        |                               |
|     | Total Alabama Board of<br>Nursing .....                                                                                                                                         | 57,000                                          | 959,304        | 1,016,304                     |
| 29. | OPTOMETRIC SCHOLARSHIP<br>AWARDS, BOARD OF:                                                                                                                                     |                                                 |                |                               |
| (a) | Support of Other Educational<br>Activities Program .....                                                                                                                        |                                                 |                | 125,000                       |
|     | SOURCE OF FUNDS:                                                                                                                                                                |                                                 |                |                               |
| (1) | ASETF .....                                                                                                                                                                     | 125,000                                         |                |                               |
|     | Total Board of Optometric<br>Scholarship Awards .....                                                                                                                           | 125,000                                         |                | 125,000                       |
|     | To be expended under the pro-<br>visions of the <u>Code of Alabama</u><br>1975, as amended, Sections 34-<br>22-60 through 34-22-65.                                             |                                                 |                |                               |
| 30. | PEACE OFFICERS'<br>STANDARDS AND TRAINING<br>COMMISSION, ALABAMA:                                                                                                               |                                                 |                |                               |
| (a) | Professional and Occupational<br>Licensing and Regulation<br>Program .....                                                                                                      |                                                 |                | 217,000                       |
| (b) | Certified Law Enforcement<br>Academy Program .....                                                                                                                              |                                                 |                | 710,925                       |
|     | Of the above appropriation for<br>the Certified Law Enforce-<br>ment Academy Program, the<br>\$410,925 of ASETF monies in-<br>cluded therein shall be ex-<br>pended as follows: |                                                 |                |                               |
|     | Jacksonville State<br>University .....                                                                                                                                          | 118,264                                         |                |                               |

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|                                                                                                                                                                     |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                     |  | ASETF                                           | Trust<br>Funds |                        |
| University of<br>Alabama .....                                                                                                                                      |  |                                                 |                | 118,264                |
| James H. Faulkner Jr.<br>College .....                                                                                                                              |  |                                                 |                | 118,264                |
| Troy State University at<br>Montgomery .....                                                                                                                        |  |                                                 |                | 56,133                 |
| Total .....                                                                                                                                                         |  |                                                 |                | 410,925                |
| SOURCE OF FUNDS:                                                                                                                                                    |  |                                                 |                |                        |
| (1) ASETF .....                                                                                                                                                     |  | 627,925                                         |                |                        |
| (2) Alabama Peace Officers'<br>Standards and Training<br>Fund - as provided in Code<br>of Alabama 1975, as<br>amended, Sections 36-21-<br>40 through 36-21-50 ..... |  |                                                 | 300,000        |                        |
| Total Alabama Peace Officers'<br>Standards and Training<br>Commission .....                                                                                         |  | 627,925                                         | 300,000        | 927,925                |
| 31. PHYSICAL FITNESS,<br>COMMISSION ON:                                                                                                                             |  |                                                 |                |                        |
| (a) Advisory Services Program ....                                                                                                                                  |  |                                                 |                | 194,955                |
| (b) Transfer to Alabama Sports<br>Festival .....                                                                                                                    |  |                                                 |                | 25,000                 |
| SOURCE OF FUNDS:                                                                                                                                                    |  |                                                 |                |                        |
| (1) ASETF .....                                                                                                                                                     |  | 219,866                                         |                |                        |
| (2) Federal and Local Funds .....                                                                                                                                   |  |                                                 | 89             |                        |
| Total Commission on Physical<br>Fitness .....                                                                                                                       |  | 219,866                                         | 89             | 219,955                |
| 32. POSTSECONDARY<br>EDUCATION DEPARTMENT:                                                                                                                          |  |                                                 |                |                        |
| (a) Postsecondary Two-Year In-<br>stitutions Program .....                                                                                                          |  |                                                 |                | 2,548,362              |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                                                             |  |                                                 |                |                        |
| Chancellor's Office<br>Operations .....                                                                                                                             |  |                                                 |                | 942,000                |
| Program Planning and<br>Enhancement .....                                                                                                                           |  |                                                 |                | 95,816                 |
| Displaced Homemakers'<br>Program .....                                                                                                                              |  |                                                 |                | 150,000                |

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|                  |                                                                                                                                  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                  |                                                                                                                                  | ASETF                                           | Trust<br>Funds |                               |
| SOURCE OF FUNDS: |                                                                                                                                  |                                                 |                |                               |
|                  | (1) ASETF .....                                                                                                                  | 1,187,816                                       |                |                               |
|                  | (2) Federal and Local Funds .....                                                                                                |                                                 | 1,360,546      |                               |
|                  | Total Postsecondary Education<br>Department .....                                                                                | 1,187,816                                       | 1,360,546      | 2,548,362                     |
| 33.              | PRISON EDUCATION<br>EXPANSION -<br>POSTSECONDARY<br>EDUCATION DEPARTMENT:                                                        |                                                 |                |                               |
|                  | (a) Postsecondary Two-Year In-<br>stitutions Program .....                                                                       |                                                 |                | 1,040,000                     |
|                  | SOURCE OF FUNDS:                                                                                                                 |                                                 |                |                               |
|                  | (1) ASETF .....                                                                                                                  | 1,000,000                                       |                |                               |
|                  | (2) Federal and Local Funds .....                                                                                                |                                                 | 40,000         |                               |
|                  | Total Prison Education Ex-<br>pansion - Postsecondary Edu-<br>cation Department .....                                            | 1,000,000                                       | 40,000         | 1,040,000                     |
| 34.              | RETIREMENT SYSTEM OF<br>ALABAMA, EMPLOYEES'<br>(ASETF SHARE):                                                                    |                                                 |                |                               |
|                  | (a) Retirement Systems Program,<br>Estimated .....                                                                               |                                                 |                | 379,000                       |
|                  | SOURCE OF FUNDS:                                                                                                                 |                                                 |                |                               |
|                  | (1) ASETF - Employees' Re-<br>tirement System,<br>Estimated .....                                                                | 233,000                                         |                |                               |
|                  | (2) ASETF - Employees' Spe-<br>cial Pension Fund,<br>Estimated .....                                                             | 146,000                                         |                |                               |
|                  | Total Employees' Retirement<br>System of Alabama (ASETF<br>Share) .....                                                          | 379,000                                         |                | 379,000                       |
| 35.              | RETIREMENT SYSTEM OF<br>ALABAMA, TEACHERS'<br>(ASETF SHARE):                                                                     |                                                 |                |                               |
|                  | (a) Retirement Systems Program,<br>Estimated .....                                                                               |                                                 |                | 186,655,000                   |
|                  | (b) Term Life Insurance .....                                                                                                    |                                                 |                | 2,655,000                     |
|                  | Persons eligible for this insur-<br>ance benefit shall be the fol-<br>lowing:                                                    |                                                 |                |                               |
|                  | (1) full-time members of<br>the Teachers' Retirement<br>System of Ala-<br>bama - shall be eligible<br>for the full benefit; and, |                                                 |                |                               |

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|                                                                                                                                                                                                                     |             | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                                                                                                     |             | ASETF                                           | Trust<br>Funds |                               |
| (2) part-time members of<br>the 'Teachers' Retirement<br>System of Alabama - shall be eligible<br>for proportional benefit based on the per-<br>centage of time each<br>works in relationship<br>to full-time work. |             |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                                                    |             |                                                 |                |                               |
| (1) ASETF - Teachers' Retirement System,<br>Estimated .....                                                                                                                                                         | 155,455,000 |                                                 |                |                               |
| (2) ASETF - Teachers' Special Pension Fund,<br>Estimated .....                                                                                                                                                      | 31,200,000  |                                                 |                |                               |
| (3) ASETF - Term Life Insurance .....                                                                                                                                                                               | 2,655,000   |                                                 |                |                               |
| <hr/>                                                                                                                                                                                                               |             |                                                 |                |                               |
| Total Teachers' Retirement System of Alabama (ASETF Share) .....                                                                                                                                                    | 189,310,000 |                                                 |                | 189,310,000                   |
| <hr/>                                                                                                                                                                                                               |             |                                                 |                |                               |
| 36. SMALL BUSINESS DEVELOPMENT CONSORTIUM, ALABAMA:                                                                                                                                                                 |             |                                                 |                |                               |
| (a) Operations and Maintenance .....                                                                                                                                                                                | 413,701     | 1,098,500                                       |                | 1,512,201                     |
| (b) Small Business Procurement System .....                                                                                                                                                                         | 90,000      |                                                 |                | 90,000                        |
| <hr/>                                                                                                                                                                                                               |             |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                                                    |             |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                                                                                     | 503,701     |                                                 |                |                               |
| (2) Federal and Local Funds .....                                                                                                                                                                                   |             | 1,098,500                                       |                |                               |
| <hr/>                                                                                                                                                                                                               |             |                                                 |                |                               |
| Total Alabama Small Business Development Consortium .....                                                                                                                                                           | 503,701     | 1,098,500                                       |                | 1,602,201                     |
| <hr/>                                                                                                                                                                                                               |             |                                                 |                |                               |
| 37. SOCIAL SECURITY (ASETF SHARE):                                                                                                                                                                                  |             |                                                 |                |                               |
| (a) For State's Share of Social Security, Estimated .....                                                                                                                                                           |             |                                                 |                | 146,500,000                   |
| SOURCE OF FUNDS:                                                                                                                                                                                                    |             |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                                                                                     | 146,500,000 |                                                 |                |                               |
| <hr/>                                                                                                                                                                                                               |             |                                                 |                |                               |
| Total Social Security (ASETF Share) .....                                                                                                                                                                           | 146,500,000 |                                                 |                | 146,500,000                   |
| <hr/>                                                                                                                                                                                                               |             |                                                 |                |                               |
| 38. SPACE SCIENCE EXHIBIT COMMISSION:                                                                                                                                                                               |             |                                                 |                |                               |
| (a) Special Services Program .....                                                                                                                                                                                  |             |                                                 |                | 300,000                       |



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|                                                                             |                                                                   | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                             |                                                                   | ASETF                                           | Trust<br>Funds |                        |
| SOURCE OF FUNDS:                                                            |                                                                   |                                                 |                |                        |
|                                                                             | (1) ASETF .....                                                   | 300,000                                         |                |                        |
| Total Space Science Exhibit<br>Commission .....                             |                                                                   | 300,000                                         |                | 300,000                |
| 39.                                                                         | TELEPHONE REVOLVING<br>FUND (ATTNET),<br>DEPARTMENT OF FINANCE-:  |                                                 |                |                        |
|                                                                             | (a) Administrative Support Serv-<br>ices Program, Estimated ..... |                                                 |                | 6,700,000              |
| SOURCE OF FUNDS:                                                            |                                                                   |                                                 |                |                        |
|                                                                             | (1) ASETF .....                                                   | 6,700,000                                       |                |                        |
| Total Department of Finance -<br>Telephone Revolving Fund<br>(ATTNET) ..... |                                                                   | 6,700,000                                       |                | 6,700,000              |
| 40.                                                                         | TENURE COMMISSION,<br>STATE:                                      |                                                 |                |                        |
|                                                                             | (a) Regulation Program .....                                      |                                                 |                | 10,659                 |
| SOURCE OF FUNDS:                                                            |                                                                   |                                                 |                |                        |
|                                                                             | (1) ASETF .....                                                   | 10,659                                          |                |                        |
| Total State Tenure<br>Commission .....                                      |                                                                   | 10,659                                          |                | 10,659                 |
| 41.                                                                         | TELEVISION COMMISSION,<br>EDUCATIONAL:                            |                                                 |                |                        |
|                                                                             | (a) Educational Television<br>Program .....                       |                                                 |                | 4,179,345              |
|                                                                             | (b) Public Radio Service<br>Program .....                         |                                                 |                | 428,089                |
|                                                                             | (c) Capital Outlay .....                                          |                                                 |                | 250,000                |
| SOURCE OF FUNDS:                                                            |                                                                   |                                                 |                |                        |
|                                                                             | (1) ASETF .....                                                   | 2,707,434                                       |                |                        |
|                                                                             | (2) Federal and Local Funds .....                                 |                                                 | 2,150,000      |                        |
| Total Educational Television<br>Commission .....                            |                                                                   | 2,707,434                                       | 2,150,000      | 4,857,434              |
| 42.                                                                         | UNEMPLOYMENT<br>COMPENSATION - LOCAL<br>BOARDS:                   |                                                 |                |                        |
|                                                                             | (a) Financial Assistance<br>Program .....                         |                                                 |                | 2,000,000              |
| SOURCE OF FUNDS:                                                            |                                                                   |                                                 |                |                        |
|                                                                             | (1) ASETF, Estimated .....                                        | 2,000,000                                       |                |                        |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | ASETF                                           | Trust<br>Funds |                        |
| Total Unemployment Com-<br>pensation - Local Boards .....                                                                                                                                                                                                                                                                                                                                                                                                          |  | 2,000,000                                       |                | 2,000,000              |
| 43. VETERANS' AFFAIRS,<br>DEPARTMENT OF:                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                 |                |                        |
| (a) Administration of Veterans'<br>Affairs Program .....                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                 |                | 4,036,960              |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                 |                |                        |
| (1) ASETF - Transfer .....                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | 4,036,960                                       |                |                        |
| Total Department of Veterans'<br>Affairs .....                                                                                                                                                                                                                                                                                                                                                                                                                     |  | 4,036,960                                       |                | 4,036,960              |
| <p>The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of <u>Code of Alabama 1975</u>, as amended, Sections 31-6-1 through 31-6-17.</p> |  |                                                 |                |                        |
| 44. YOUTH SERVICES<br>DEPARTMENT OF:                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                 |                |                        |
| (a) Youth Services Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                 |                | 12,708,060             |
| <p>The above appropriation for Youth Services Program includes \$11,578,942 of ASETF monies. Of the above appropriation, \$200,000 shall be used for pilot programs in day treatment. The above appropriation shall be expended in accordance with the provisions of the <u>Code of Alabama 1975</u>, as amended, Sections 44-1-1 through 44-1-56.</p>                                                                                                             |  |                                                 |                |                        |
| (b) Financial Assistance<br>Program .....                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                 |                | 2,972,289              |
| <p>The above appropriation for Financial Assistance Program includes \$1,872,785 of ASETF monies. The above appropriation shall be expended by the</p>                                                                                                                                                                                                                                                                                                             |  |                                                 |                |                        |

| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                       |                | Appropriation<br><u>Total</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------|
| ASETF                                                                                                                                                                                                                                                                                                                 | Trust<br>Funds |                               |
| Youth Services Department<br>District in a manner consistent<br>with the funding formula co-<br>operatively established by the<br>Youth Services Board and the<br>State Board of Education pur-<br>suant to the provisions of <u>Code<br/>of Alabama 1975, as amended,<br/>Sections 44-1-70 through 44-1-<br/>77.</u> |                |                               |
| (c) Capital Outlay .....                                                                                                                                                                                                                                                                                              |                | 300,000                       |
| (d) Southeast Alabama Youth<br>Services System (Dothan)-<br>Capital Outlay .....                                                                                                                                                                                                                                      |                | 200,000                       |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                      |                |                               |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                       | 13,951,727     |                               |
| (2) Federal and Local Funds                                                                                                                                                                                                                                                                                           | 2,228,622      |                               |
| Total Department of Youth<br>Services .....                                                                                                                                                                                                                                                                           | 13,951,727     | 2,228,622                     |
|                                                                                                                                                                                                                                                                                                                       |                | 16,180,349                    |

In addition to the above appro-  
priation, there is hereby appro-  
priated \$497,000 for the  
regional youth detention cen-  
ters to be allocated on the  
number of beds per center from  
the Alabama Special Educa-  
tional Trust Fund to be con-  
ditioned on the availability of  
funds and the approval of the  
Governor.

45. RESERVE ACCOUNT -  
ALABAMA SPECIAL  
EDUCATIONAL TRUST FUND:

|                                      |            |            |
|--------------------------------------|------------|------------|
| (a) Reserve Account Program .....    |            | 12,190,216 |
| SOURCE OF FUNDS:                     |            |            |
| (1) ASETF .....                      | 12,190,216 |            |
| Total ASETF Reserve<br>Account ..... | 12,190,216 | 12,190,216 |

It is the intent of the Legisla-  
ture that this Reserve Account  
be used to guard against pro-  
ration. In the event that reve-  
nues into the Alabama Special  
Educational Trust Fund are

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|                                                                                                                                                                                                                                                                                                                       |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                                                                                                                                                                                                       |  | ASETF                                           | Trust<br>Funds |                               |
| insufficient to fund the appropriations to the various departments, boards, offices, commissions, and agencies in this Act, the funds herein appropriated into said Alabama Special Educational Trust Fund Reserve Account shall be allotted only to the extent necessary to avoid proration.                         |  |                                                 |                |                               |
| 46. PUBLIC SCHOOL AND COLLEGE AUTHORITY, ALABAMA:                                                                                                                                                                                                                                                                     |  |                                                 |                |                               |
| (a) Financial Assistance Program .....                                                                                                                                                                                                                                                                                |  |                                                 |                | 8,000,000                     |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                      |  |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                       |  | 8,000,000                                       |                |                               |
| Total Alabama Public School and College Authority .....                                                                                                                                                                                                                                                               |  | 8,000,000                                       |                | 8,000,000                     |
| B. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES:                                                                                                                                                                                                                                                            |  |                                                 |                |                               |
| Prior to release of any funds to the agencies funded under this section for FY 1987-88, an operations plan for FY 1986-87 and an audited financial statement for all operations during FY 1985-86 must be forwarded to the Director of Finance. It is the intent to release funds following receipt of these reports. |  |                                                 |                |                               |
| 1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:                                                                                                                                                                                                                                                                        |  |                                                 |                |                               |
| (a) Support of Other Educational Activities Program .....                                                                                                                                                                                                                                                             |  |                                                 |                | 40,000                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                      |  |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                       |  | 40,000                                          |                |                               |
| Total American Legion and Auxiliary Scholarships .....                                                                                                                                                                                                                                                                |  | 40,000                                          |                | 40,000                        |
| To be expended under the provisions of <u>Code of Alabama 1975, as amended, Sections 16-31-1 through 16-31-4.</u>                                                                                                                                                                                                     |  |                                                 |                |                               |

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|    |                                                                                                                                  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|----|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|    |                                                                                                                                  | ASETF                                           | Trust<br>Funds |                               |
| 2. | <b>BLACK BELT HUMAN<br/>RESOURCE DEVELOPMENT<br/>CENTER:</b>                                                                     |                                                 |                |                               |
|    | (a) Support of Other Educational<br>Activities Program .....                                                                     |                                                 |                | 25,000                        |
|    | <b>SOURCE OF FUNDS:</b>                                                                                                          |                                                 |                |                               |
|    | (1) ASETF .....                                                                                                                  | 25,000                                          |                |                               |
|    | Total Black Belt Human Re-<br>source Development Center ....                                                                     | 25,000                                          |                | 25,000                        |
| 3. | <b>CHILDREN'S HOSPITAL OF<br/>ALABAMA, THE:</b>                                                                                  |                                                 |                |                               |
|    | (a) Support of Other Educational<br>Activities Program .....                                                                     |                                                 |                | 300,000                       |
|    | <b>SOURCE OF FUNDS:</b>                                                                                                          |                                                 |                |                               |
|    | (1) ASETF .....                                                                                                                  | 300,000                                         |                |                               |
|    | Total The Children's Hospital<br>of Alabama .....                                                                                | 300,000                                         |                | 300,000                       |
| 4. | <b>COALITION AGAINST<br/>DOMESTIC VIOLENCE, INC.,<br/>ALABAMA:</b>                                                               |                                                 |                |                               |
|    | (a) Social Services Program .....                                                                                                |                                                 |                | 152,327                       |
|    | <b>SOURCE OF FUNDS:</b>                                                                                                          |                                                 |                |                               |
|    | (1) ASETF .....                                                                                                                  | 152,327                                         |                |                               |
|    | Total Alabama Coalition<br>Against Domestic Violence,<br>Inc. ....                                                               | 152,327                                         |                | 152,327                       |
|    | The above appropriation is to<br>be distributed according to a<br>formula to be determined by<br>the Coalition to the following: |                                                 |                |                               |
|    | (1) Safeplace, Inc., Florence;                                                                                                   |                                                 |                |                               |
|    | (2) Tuscaloosa Spouse Abuse<br>Network, Tuscaloosa;                                                                              |                                                 |                |                               |
|    | (3) Montgomery Area Fam-<br>ily Violence Program,<br>Inc., Montgomery;                                                           |                                                 |                |                               |
|    | (4) Penelope House, Inc.,<br>Mobile;                                                                                             |                                                 |                |                               |
|    | (5) East Alabama Task Force<br>for Battered Women, Inc.,<br>Auburn;                                                              |                                                 |                |                               |
|    | (6) House of Ruth, Inc., Do-<br>than;                                                                                            |                                                 |                |                               |

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|    |                                                                                    | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|----|------------------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|    |                                                                                    | ASETF                                           | Trust<br>Funds |                        |
|    | (7) Family Violence Project,<br>Birmingham;                                        |                                                 |                |                        |
|    | (8) HOPE Place, Inc.,<br>Huntsville;                                               |                                                 |                |                        |
|    | (9) Daybreak Family Re-<br>source Center of North-<br>west Alabama, Jasper;<br>and |                                                 |                |                        |
|    | (10) Shelter, Inc., Gadsden.                                                       |                                                 |                |                        |
| 5. | DAR SCHOOL, KATE<br>DUNCAN SMITH:                                                  |                                                 |                |                        |
|    | (a) Financial Assistance<br>Program .....                                          |                                                 |                | 16,473                 |
|    | SOURCE OF FUNDS:                                                                   |                                                 |                |                        |
|    | (1) ASETF .....                                                                    | 16,473                                          |                |                        |
|    | Total Kate Duncan Smith<br>DAR School .....                                        | 16,473                                          |                | 16,473                 |
| 6. | DAVIS THEATRE:                                                                     |                                                 |                |                        |
|    | (a) Fine Arts Program .....                                                        |                                                 |                | 100,000                |
|    | SOURCE OF FUNDS:                                                                   |                                                 |                |                        |
|    | (1) ASETF .....                                                                    | 100,000                                         |                |                        |
|    | Total Davis Theatre .....                                                          | 100,000                                         |                | 100,000                |
| 7. | EAST ALABAMA CHILD<br>DEVELOPMENT CENTER:                                          |                                                 |                |                        |
|    | (a) Financial Assistance<br>Program .....                                          |                                                 |                | 1,065,921              |
|    | SOURCE OF FUNDS:                                                                   |                                                 |                |                        |
|    | (1) ASETF .....                                                                    | 1,065,921                                       |                |                        |
|    | Total East Alabama Child De-<br>velopment Center .....                             | 1,065,921                                       |                | 1,065,921              |
| 8. | LIGHTHOUSE COUNSELING<br>CENTER, INC.:                                             |                                                 |                |                        |
|    | (a) Social Services Program .....                                                  |                                                 |                | 6,783                  |
|    | SOURCE OF FUNDS:                                                                   |                                                 |                |                        |
|    | (1) ASETF .....                                                                    | 6,783                                           |                |                        |
|    | Total Lighthouse Counseling<br>Center, Inc. ....                                   | 6,783                                           |                | 6,783                  |

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|     |                                                                                                                                                                                                                                                                                                                                   | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|     |                                                                                                                                                                                                                                                                                                                                   | ASETF                                           | Trust<br>Funds |                               |
| 9.  | OPPORTUNITIES<br>INDUSTRIALIZATION<br>CENTER, CENTRAL<br>ALABAMA:                                                                                                                                                                                                                                                                 |                                                 |                |                               |
|     | (a) Skills Enhancement and Em-<br>ployment Opportunities<br>Program .....                                                                                                                                                                                                                                                         |                                                 |                | 96,902                        |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                  |                                                 |                |                               |
|     | (1) ASETF .....                                                                                                                                                                                                                                                                                                                   | 96,902                                          |                |                               |
|     | Total Central Alabama Oppor-<br>tunities Industrialization<br>Center .....                                                                                                                                                                                                                                                        | 96,902                                          |                | 96,902                        |
| 10. | SHAKESPEARE FESTIVAL,<br>ALABAMA:                                                                                                                                                                                                                                                                                                 |                                                 |                |                               |
|     | (a) Fine Arts Program .....                                                                                                                                                                                                                                                                                                       |                                                 |                | 750,000                       |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                  |                                                 |                |                               |
|     | (1) ASETF .....                                                                                                                                                                                                                                                                                                                   | 750,000                                         |                |                               |
|     | Total Alabama Shakespeare<br>Festival .....                                                                                                                                                                                                                                                                                       | 750,000                                         |                | 750,000                       |
| 11. | ALABAMA SICKLE CELL<br>ASSOCIATION:                                                                                                                                                                                                                                                                                               |                                                 |                |                               |
|     | (a) Sickle Cell Education<br>Program .....                                                                                                                                                                                                                                                                                        |                                                 |                | 217,000                       |
|     | The Jefferson County Sickle<br>Cell Detection Committee, Inc.<br>shall serve as the statewide ad-<br>ministrator of this program and<br>shall distribute funds to the<br>several regional Sickle Cell As-<br>sociations/Foundation in the<br>same amounts as were appro-<br>priated in Act No. 86-622 for<br>fiscal year 1986-87. |                                                 |                |                               |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                  |                                                 |                |                               |
|     | (1) ASETF .....                                                                                                                                                                                                                                                                                                                   | 217,000                                         |                |                               |
|     | Total Alabama Sickle Cell<br>Association .....                                                                                                                                                                                                                                                                                    | 217,000                                         |                | 217,000                       |
| 12. | TUSKEGEE UNIVERSITY:                                                                                                                                                                                                                                                                                                              |                                                 |                |                               |
|     | (a) Small Farm Development and<br>Assistance Program .....                                                                                                                                                                                                                                                                        |                                                 |                | 100,000                       |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                  |                                                 |                |                               |
|     | (1) ASETF .....                                                                                                                                                                                                                                                                                                                   | 100,000                                         |                |                               |
|     | Total Tuskegee University .....                                                                                                                                                                                                                                                                                                   | 100,000                                         |                | 100,000                       |

| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

## SECTION 4.

**COLLEGES, UNIVERSITIES AND SCHOOLS:**

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

### A. The University

|                                                                     |            |            |            |
|---------------------------------------------------------------------|------------|------------|------------|
| 1. Operations and Maintenance .....                                 | 48,435,567 | 30,713,973 | 79,149,540 |
| 2. Industrial Management and Manufacturing Technology Program ..... | 2,970,000  |            | 2,970,000  |
| 3. Center for Emotionally Disturbed Children .....                  | 521,345    |            | 521,345    |
| 4. Alabama Poison Control Center .....                              | 250,000    |            | 250,000    |
| 5. Nursing Scholarships .....                                       | 16,136     |            | 16,136     |
| 6. Advocacy Program for the Developmentally Disabled .....          | 23,756     |            | 23,756     |
| 7. Capstone Medical Center .....                                    | 1,043,458  | 979,995    | 2,023,453  |
| 8. Alabama Museum of Natural History .....                          | 279,488    | 85,400     | 364,888    |
| 9. College of Community Health Sciences .....                       | 2,655,231  | 213,300    | 2,868,531  |
| 10. University Research Library .....                               | 544,500    |            | 544,500    |
| 11. Research, Extension and Public Service .....                    | 5,829,123  | 474,786    | 6,303,909  |
| 12. School of Mines and Energy Development .....                    | 1,699,636  |            | 1,699,636  |
| 13. Computer Research and Development .....                         | 668,250    | 544,000    | 1,212,250  |
| 14. Emergency Medical Services .....                                | 153,000    |            | 153,000    |
| 15. Rural Infant Stimulation Environment Program .....              | 198,000    |            | 198,000    |
| 16. High Risk Nursery .....                                         | 111,159    |            | 111,159    |
| 17. Safe State Program .....                                        | 408,491    |            | 408,491    |
| 18. Tannehill Learning Center .....                                 | 17,500     |            | 17,500     |
| 19. Institute for Magnetic Information Technology .....             | 150,000    |            | 150,000    |
| 20. Auxiliary Enterprises .....                                     |            | 28,702,879 | 28,702,879 |
| 21. Restricted Funds .....                                          |            | 20,450,000 | 20,450,000 |

SOURCE OF FUNDS:

|                             |            |            |             |  |
|-----------------------------|------------|------------|-------------|--|
| (1) ASETF .....             | 65,974,640 |            |             |  |
| (2) Other Funds .....       |            | 82,164,333 |             |  |
| Total University of Alabama | 65,974,640 | 82,164,333 | 148,138,973 |  |



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|                                                                                      |                                                             | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                      |                                                             | ASETF                                           | Trust<br>Funds |                               |
| B. University of Alabama at Birmingham                                               |                                                             |                                                 |                |                               |
| 1.                                                                                   | University College .....                                    | 22,577,269                                      | 17,951,141     | 40,528,410                    |
| 2.                                                                                   | Family Practice Residency<br>Programs .....                 | 1,523,838                                       |                | 1,523,838                     |
| The above appropriation shall be ex-<br>pended for residency programs as<br>follows: |                                                             |                                                 |                |                               |
|                                                                                      | Anniston .....                                              | 239,395                                         |                |                               |
|                                                                                      | East End .....                                              | 239,395                                         |                |                               |
|                                                                                      | Jefferson County .....                                      | 239,395                                         |                |                               |
|                                                                                      | Montgomery .....                                            | 242,290                                         |                |                               |
|                                                                                      | Selma .....                                                 | 323,968                                         |                |                               |
|                                                                                      | Gadsden .....                                               | 239,395                                         |                |                               |
| 3.                                                                                   | School of Medicine .....                                    | 25,262,420                                      | 18,713,643     | 43,976,063                    |
| 4.                                                                                   | University Hospitals .....                                  | 5,934,192                                       | 192,747,575    | 198,681,767                   |
| 5.                                                                                   | School of Optometry .....                                   | 3,528,423                                       | 2,539,774      | 6,068,197                     |
| 6.                                                                                   | School of Community and Allied<br>Health .....              | 3,123,641                                       | 1,685,928      | 4,809,569                     |
| 7.                                                                                   | Regional Technical Institute .....                          | 2,756,133                                       | 234,623        | 2,990,756                     |
| 8.                                                                                   | Joint Health Sciences .....                                 | 4,710,167                                       | 763,368        | 5,473,535                     |
| 9.                                                                                   | Department of Pediatrics and Chil-<br>dren's Hospital ..... | 1,142,525                                       |                | 1,142,525                     |
| 10.                                                                                  | Center for Labor Education and<br>Research .....            | 318,717                                         |                | 318,717                       |
| 11.                                                                                  | Student Nurses Loans .....                                  | 12,000                                          |                | 12,000                        |
| 12.                                                                                  | Center for Diabetes Research .....                          | 188,794                                         |                | 188,794                       |
| 13.                                                                                  | Urban Research and Public<br>Service .....                  | 729,342                                         |                | 729,342                       |
| 14.                                                                                  | School of Dentistry .....                                   | 8,615,112                                       | 5,805,509      | 14,420,621                    |
| 15.                                                                                  | Nursing Scholarships .....                                  | 88,000                                          |                | 88,000                        |
| 16.                                                                                  | System Medical Education<br>Program .....                   | 479,177                                         |                | 479,177                       |
| 17.                                                                                  | School of Nursing .....                                     | 5,740,370                                       | 1,468,802      | 7,209,172                     |
| 18.                                                                                  | Health Related Research and Public<br>Service .....         | 2,878,691                                       |                | 2,878,691                     |
| 19.                                                                                  | Public Health Research Program ....                         | 136,651                                         |                | 136,651                       |
| 20.                                                                                  | Emergency Medical Service and<br>Training .....             | 157,329                                         |                | 157,329                       |
| 21.                                                                                  | Medical Genetics Program .....                              | 439,090                                         |                | 439,090                       |
| 22.                                                                                  | Hypertension Research .....                                 | 380,285                                         |                | 380,285                       |
| 23.                                                                                  | Multipurpose Arthritis Center .....                         | 380,285                                         |                | 380,285                       |

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|                                                                                       | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|---------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                       | ASETF                                           | Trust<br>Funds |                               |
| 24. School of Engineering and Business<br>Telecommunications Research<br>Center ..... | 189,372                                         |                | 189,372                       |
| 25. School of Public Health .....                                                     | 2,935,885                                       | 925,487        | 3,861,372                     |
| 26. Montgomery Internal Medicine<br>Residency .....                                   | 271,574                                         |                | 271,574                       |
| 27. Center for Advancement of Devel-<br>oping Industries .....                        | 376,388                                         |                | 376,388                       |
| 28. Center for Cystic Fibrosis<br>Research .....                                      | 80,912                                          |                | 80,912                        |
| 29. Center for Congenital Heart<br>Disease .....                                      | 80,912                                          |                | 80,912                        |
| 30. Biomedical Engineering Sciences ....                                              | 163,239                                         |                | 163,239                       |
| 31. Center for Nuclear Magnetic Reso-<br>nance Studies .....                          | 454,050                                         |                | 454,050                       |
| 32. Dental/Medical Research .....                                                     | 142,589                                         |                | 142,589                       |
| 33. Virology Research .....                                                           | 37,232                                          |                | 37,232                        |
| 34. Neuro-Science Research .....                                                      | 250,000                                         |                | 250,000                       |
| 35. Geriatric Service and Research<br>Program .....                                   | 1,425,888                                       |                | 1,425,888                     |
| 36. Internal Medicine Development .....                                               | 250,000                                         |                | 250,000                       |
| 37. Sudden Death Research .....                                                       | 162,104                                         |                | 162,104                       |
| 38. Research Library .....                                                            | 489,436                                         |                | 489,436                       |
| 39. Research Center for Biomedical En-<br>gineering Sciences .....                    | 604,900                                         |                | 604,900                       |
| 40. Special Mental Health .....                                                       |                                                 | 3,504,049      | 3,504,049                     |
| (Of this amount, \$200,073 shall be<br>expended for Psychiatric Research)             |                                                 |                |                               |
| 41. Chauncey Sparks Center for Devel-<br>opmental and Learning Disorders ...          |                                                 | 707,548        | 707,548                       |
| 42. Auxiliary Enterprises .....                                                       |                                                 | 9,552,124      | 9,552,124                     |
| 43. Restricted Funds .....                                                            |                                                 | 64,793,000     | 64,793,000                    |

SOURCE OF FUNDS:

|                                                    |            |             |             |
|----------------------------------------------------|------------|-------------|-------------|
| (1) ASETF .....                                    | 99,016,932 |             |             |
| (2) Special Mental Health<br>Trust Fund .....      |            | 4,211,597   |             |
| (3) Other Funds .....                              |            | 317,180,974 |             |
| Total University of Alabama at<br>Birmingham ..... | 99,016,932 | 321,392,571 | 420,409,503 |

C. University of Alabama in Huntsville

|                                     |            |            |            |
|-------------------------------------|------------|------------|------------|
| 1. Operations and Maintenance ..... | 12,921,919 | 10,965,139 | 23,887,058 |
| 2. Nursing Scholarships .....       | 18,000     |            | 18,000     |

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|                                                                         | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                         | ASETF                                           | Trust<br>Funds |                               |
| 3. School of Primary Medical Care .....                                 | 3,016,000                                       | 493,720        | 3,509,720                     |
| 4. Kenneth E. Johnson Research<br>Center .....                          | 378,000                                         | 161,302        | 539,302                       |
| 5. UAH Medical Clinics .....                                            | 905,000                                         | 515,552        | 1,420,552                     |
| 6. School of Nursing .....                                              | 1,090,500                                       | 295,840        | 1,386,340                     |
| 7. Paramedic Training .....                                             | 145,000                                         | 35,000         | 180,000                       |
| 8. Alabama Solar Energy Center .....                                    | 351,000                                         | 29,285         | 380,285                       |
| 9. Center for High Technology Man-<br>agement and Economic Research ... | 150,000                                         |                | 150,000                       |
| 10. Rural Primary Care Clerkship .....                                  | 31,600                                          |                | 31,600                        |
| 11. Research Institute .....                                            | 289,023                                         | 799,128        | 1,088,151                     |
| 12. Developmental Computer<br>Education .....                           | 160,000                                         |                | 160,000                       |
| 13. Center for Applied Optics .....                                     | 557,600                                         | 23,808         | 581,408                       |
| 14. Center for Microgravity Science .....                               | 464,000                                         | 14,880         | 478,880                       |
| 15. Center for Robotics .....                                           | 464,000                                         | 20,832         | 484,832                       |
| 16. Space Plasma and Aeronomic<br>Research .....                        | 78,730                                          |                | 78,730                        |
| 17. Auxiliary Enterprises .....                                         |                                                 | 2,470,000      | 2,470,000                     |
| 18. Restricted Funds .....                                              |                                                 | 9,353,020      | 9,353,020                     |

**SOURCE OF FUNDS:**

|                                                    |            |            |            |
|----------------------------------------------------|------------|------------|------------|
| (1) ASETF .....                                    | 21,020,372 |            |            |
| (2) Other Funds .....                              |            | 25,177,506 |            |
| Total University of Alabama in<br>Huntsville ..... | 21,020,372 | 25,177,506 | 46,197,878 |

**II. BOARD OF TRUSTEES OF  
ALABAMA A & M UNIVERSITY:**

**A. Alabama A & M University**

|                                                         |            |           |            |
|---------------------------------------------------------|------------|-----------|------------|
| 1. Operations and Maintenance .....                     | 14,562,005 | 6,305,003 | 20,867,008 |
| 2. Vocational Teacher Training .....                    | 266,107    |           | 266,107    |
| 3. Cooperative Extension, Research and<br>Service ..... | 399,450    |           | 399,450    |
| 4. Black Archives Museum .....                          | 75,000     |           | 75,000     |
| 5. Auxiliary Enterprises .....                          |            | 3,811,498 | 3,811,498  |
| 6. Restricted Funds .....                               |            | 7,554,080 | 7,554,080  |

**SOURCE OF FUNDS:**

|                                         |            |            |            |
|-----------------------------------------|------------|------------|------------|
| (1) ASETF .....                         | 15,302,562 |            |            |
| (2) Other Funds .....                   |            | 17,670,581 |            |
| Total Alabama A & M<br>University ..... | 15,302,562 | 17,670,581 | 32,973,143 |

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|                                                        |                                                      | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|--------------------------------------------------------|------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                        |                                                      | ASETF                                           | Trust<br>Funds |                               |
| III. BOARD OF TRUSTEES OF<br>ALABAMA STATE UNIVERSITY: |                                                      |                                                 |                |                               |
| A. Alabama State University                            |                                                      |                                                 |                |                               |
| 1.                                                     | Operations and Maintenance .....                     | 14,839,852                                      | 3,840,575      | 18,680,427                    |
| 2.                                                     | Educational Radio Station .....                      | 190,076                                         |                | 190,076                       |
| 3.                                                     | Public Services Program .....                        | 95,038                                          |                | 95,038                        |
| 4.                                                     | Alabama League for Advancement<br>of Education ..... | 65,000                                          |                | 65,000                        |
| 5.                                                     | Auxiliary Enterprises .....                          |                                                 | 4,371,410      | 4,371,410                     |
| 6.                                                     | Restricted Funds .....                               |                                                 | 6,924,420      | 6,924,420                     |
| SOURCE OF FUNDS:                                       |                                                      |                                                 |                |                               |
| (1)                                                    | ASETF .....                                          | 15,189,966                                      |                |                               |
| (2)                                                    | Other Funds .....                                    |                                                 | 15,136,405     |                               |
| Total Alabama State<br>University .....                |                                                      | 15,189,966                                      | 15,136,405     | 30,326,371                    |
| IV. STATE BOARD OF EDUCATION:                          |                                                      |                                                 |                |                               |
| A. Athens State College                                |                                                      |                                                 |                |                               |
| 1.                                                     | Operations and Maintenance .....                     | 2,773,090                                       | 1,539,749      | 4,312,839                     |
| 2.                                                     | Auxiliary Enterprises .....                          |                                                 | 359,714        | 359,714                       |
| 3.                                                     | Restricted Funds .....                               |                                                 | 506,220        | 506,220                       |
| SOURCE OF FUNDS:                                       |                                                      |                                                 |                |                               |
| (1)                                                    | ASETF .....                                          | 2,773,090                                       |                |                               |
| (2)                                                    | Other Funds .....                                    |                                                 | 2,405,683      |                               |
| Total Athens State College ....                        |                                                      | 2,773,090                                       | 2,405,683      | 5,178,773                     |
| V. BOARD OF TRUSTEES OF<br>AUBURN UNIVERSITY:          |                                                      |                                                 |                |                               |
| A. Auburn University                                   |                                                      |                                                 |                |                               |
| 1.                                                     | Operations and Maintenance .....                     | 52,976,247                                      | 47,486,880     | 100,463,127                   |
| 2.                                                     | Educational Television .....                         | 368,727                                         |                | 368,727                       |
| 3.                                                     | Center for Vocational and Adult<br>Education .....   | 523,606                                         |                | 523,606                       |
| 4.                                                     | Clinical Psychology .....                            | 115,205                                         |                | 115,205                       |
| 5.                                                     | Ralph Draughon Library .....                         | 734,000                                         |                | 734,000                       |
| 6.                                                     | Engineering Experiment Station .....                 | 1,116,109                                       |                | 1,116,109                     |
| 7.                                                     | Public Service, Research and<br>Extension .....      | 548,936                                         |                | 548,936                       |
| 8.                                                     | Energy Research .....                                | 269,955                                         |                | 269,955                       |
| 9.                                                     | Food Animal Health and Diseases<br>Research .....    | 333,900                                         |                | 333,900                       |

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|                                                                           | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|---------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                           | ASETF                                           | Trust<br>Funds |                        |
| 10. Veterinary Teaching Hospital and Clinic .....                         | 270,000                                         |                | 270,000                |
| 11. Truman Pierce Institute for the Advancement of Teacher Education .... | 90,000                                          |                | 90,000                 |
| 12. Forestry Program .....                                                | 175,000                                         |                | 175,000                |
| 13. Nursing Scholarships .....                                            | 18,000                                          |                | 18,000                 |
| 14. Advanced Manufacturing Technology Center .....                        | 400,000                                         |                | 400,000                |
| 15. Development of Genetic Engineering Applications .....                 | 400,000                                         |                | 400,000                |
| 16. Pulp and Paper Research Center ....                                   | 300,000                                         |                | 300,000                |
| 17. International Commerce and Industrial Development .....               | 200,000                                         |                | 200,000                |
| 18. Architecture and Industrial Design                                    | 100,000                                         |                | 100,000                |
| 19. College of Veterinary Medicine .....                                  | 6,876,287                                       | 1,100,000      | 7,976,287              |
| 20. Textile Engineering Department ....                                   | 100,000                                         |                | 100,000                |
| 21. Highway Research Center .....                                         | 250,000                                         |                | 250,000                |
| 22. Research Library Enhancement .....                                    | 400,000                                         |                | 400,000                |
| 23. Auxiliary Enterprises .....                                           |                                                 | 27,672,190     | 27,672,190             |
| 24. Restricted Funds .....                                                |                                                 | 18,000,000     | 18,000,000             |

**SOURCE OF FUNDS:**

|                               |            |            |             |
|-------------------------------|------------|------------|-------------|
| (1) ASETF .....               | 66,565,972 |            |             |
| (2) Other Funds .....         |            | 94,259,070 |             |
| Total Auburn University ..... | 66,565,972 | 94,259,070 | 160,825,042 |

**B. Alabama Agricultural Experiment Station**

|                                      |            |           |            |
|--------------------------------------|------------|-----------|------------|
| 1. Operations and Maintenance .....  | 12,537,350 | 4,187,109 | 16,724,459 |
| 2. Poultry Development Program ..... | 475,190    |           | 475,190    |
| 3. Catfish Research .....            | 100,000    |           | 100,000    |
| 4. Restricted Funds .....            |            | 8,174,081 | 8,174,081  |

**SOURCE OF FUNDS:**

|                                                     |            |            |            |
|-----------------------------------------------------|------------|------------|------------|
| (1) ASETF .....                                     | 13,112,540 |            |            |
| (2) Other Funds .....                               |            | 12,361,190 |            |
| Total Alabama Agricultural Experiment Station ..... | 13,112,540 | 12,361,190 | 25,473,730 |

**C. Alabama Cooperative Extension Service**

|                                     |            |  |            |
|-------------------------------------|------------|--|------------|
| 1. Operations and Maintenance ..... | 13,383,827 |  | 13,383,827 |
| 2. Retirement .....                 | 1,871,380  |  | 1,871,380  |
| 3. Computer Communication System    | 300,000    |  | 300,000    |

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|     |                                                                          | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----|--------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|     |                                                                          | ASETF                                           | Trust<br>Funds |                        |
| 4.  | Restricted Funds .....                                                   |                                                 | 10,122,150     | 10,122,150             |
|     | SOURCE OF FUNDS:                                                         |                                                 |                |                        |
|     | (1) ASETF .....                                                          | 15,555,207                                      |                |                        |
|     | (2) Other Funds .....                                                    |                                                 | 10,122,150     |                        |
|     | Total Alabama Cooperative<br>Extension Service .....                     | 15,555,207                                      | 10,122,150     | 25,677,357             |
| D.  | Auburn University at Montgomery                                          |                                                 |                |                        |
| 1.  | Operations and Maintenance .....                                         | 10,411,837                                      | 6,290,039      | 16,701,876             |
| 2.  | Montgomery Area Community<br>Health Sciences Institute .....             | 51,321                                          |                | 51,321                 |
| 3.  | Public Service, Research and<br>Extension .....                          | 454,282                                         | 250,000        | 704,282                |
| 4.  | Library Enhancement .....                                                | 80,000                                          |                | 80,000                 |
| 5.  | Nursing Scholarships .....                                               | 18,000                                          |                | 18,000                 |
| 6.  | Auxiliary Enterprises .....                                              |                                                 | 2,993,067      | 2,993,067              |
| 7.  | Restricted Funds .....                                                   |                                                 | 1,726,500      | 1,726,500              |
|     | SOURCE OF FUNDS:                                                         |                                                 |                |                        |
|     | (1) ASETF .....                                                          | 11,015,440                                      |                |                        |
|     | (2) Other Funds .....                                                    |                                                 | 11,259,606     |                        |
|     | Total Auburn University at<br>Montgomery .....                           | 11,015,440                                      | 11,259,606     | 22,275,046             |
| VI. | BOARD OF TRUSTEES OF<br>JACKSONVILLE STATE<br>UNIVERSITY:                |                                                 |                |                        |
| A.  | Jacksonville State University                                            |                                                 |                |                        |
| 1.  | Operations and Maintenance .....                                         | 14,910,722                                      | 8,360,958      | 23,271,680             |
| 2.  | Gadsden Educational Program .....                                        | 339,000                                         | 30,000         | 369,000                |
| 3.  | Nursing Scholarships .....                                               | 18,000                                          |                | 18,000                 |
| 4.  | United Cerebral Palsy Development<br>Center for East Central Alabama ... | 107,000                                         |                | 107,000                |
| 5.  | Vocational Teacher Training .....                                        | 107,000                                         |                | 107,000                |
| 6.  | Developmental Education Project ...                                      | 189,591                                         |                | 189,591                |
| 7.  | Center for Economic Development                                          | 300,000                                         |                | 300,000                |
| 8.  | Research and Public Service .....                                        | 94,590                                          |                | 94,590                 |
| 9.  | Community Education<br>Development .....                                 | 40,000                                          |                | 40,000                 |
| 10. | Sensory Impaired Postsecondary<br>Program .....                          | 94,590                                          |                | 94,590                 |
| 11. | Auxiliary Enterprises .....                                              |                                                 | 2,265,103      | 2,265,103              |

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|                                                                           |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|---------------------------------------------------------------------------|------------|-------------------------------------------------|----------------|------------------------|
|                                                                           |            | ASETF                                           | Trust<br>Funds |                        |
| 12. Restricted Funds .....                                                |            |                                                 | 4,165,188      | 4,165,188              |
| SOURCE OF FUNDS:                                                          |            |                                                 |                |                        |
| (1) ASETF .....                                                           | 16,200,493 |                                                 |                |                        |
| (2) Other Funds .....                                                     |            | 14,821,249                                      |                |                        |
| Total Jacksonville State<br>University .....                              | 16,200,493 | 14,821,249                                      |                | 31,021,742             |
| VII. BOARD OF TRUSTEES OF<br>LIVINGSTON UNIVERSITY:                       |            |                                                 |                |                        |
| A. Livingston University                                                  |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                                       | 5,384,709  | 1,331,525                                       |                | 6,716,234              |
| 2. Nursing Scholarships .....                                             | 18,000     |                                                 |                | 18,000                 |
| 3. Auxiliary Enterprises .....                                            |            | 2,109,331                                       |                | 2,109,331              |
| 4. Restricted Funds .....                                                 |            | 592,763                                         |                | 592,763                |
| SOURCE OF FUNDS:                                                          |            |                                                 |                |                        |
| (1) ASETF .....                                                           | 5,402,709  |                                                 |                |                        |
| (2) Other Funds .....                                                     |            | 4,033,619                                       |                |                        |
| Total Livingston University ...                                           | 5,402,709  | 4,033,619                                       |                | 9,436,328              |
| VIII. BOARD OF TRUSTEES OF<br>UNIVERSITY OF MONTEVALLO:                   |            |                                                 |                |                        |
| A. University of Montevallo                                               |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                                       | 8,003,168  | 3,097,442                                       |                | 11,100,610             |
| 2. Center for the Study of Communi-<br>cation Science and Disorders ..... | 275,653    |                                                 |                | 275,653                |
| 3. Alabama Traffic Safety Center .....                                    | 124,826    |                                                 |                | 124,826                |
| 4. Mass Communication Center .....                                        | 105,942    |                                                 |                | 105,942                |
| 5. Center for Excellence in Undergrad-<br>uate Liberal Studies .....      | 25,000     |                                                 |                | 25,000                 |
| 6. Center for Excellence in Business<br>Education .....                   | 350,883    |                                                 |                | 350,883                |
| 7. Center for Excellence in Fine Arts ..                                  | 15,000     |                                                 |                | 15,000                 |
| 8. Center for Excellence in Teacher<br>Education .....                    | 10,000     |                                                 |                | 10,000                 |
| 9. Auxiliary Enterprises .....                                            |            | 3,437,529                                       |                | 3,437,529              |
| 10. Restricted Funds .....                                                |            | 1,592,927                                       |                | 1,592,927              |
| SOURCE OF FUNDS:                                                          |            |                                                 |                |                        |
| (1) ASETF .....                                                           | 8,910,472  |                                                 |                |                        |
| (2) Other Funds .....                                                     |            | 8,127,898                                       |                |                        |
| Total University of<br>Montevallo .....                                   | 8,910,472  | 8,127,898                                       |                | 17,038,370             |

|                                                                    |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|--------------------------------------------------------------------|------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                    |            | ASETF                                           | Trust<br>Funds |                               |
| IX. BOARD OF TRUSTEES OF<br>UNIVERSITY OF NORTH<br>ALABAMA:        |            |                                                 |                |                               |
| A. University of North Alabama                                     |            |                                                 |                |                               |
| 1. Operations and Maintenance .....                                | 11,587,663 | 6,137,450                                       | 17,725,113     |                               |
| 2. Research and Public Service .....                               | 346,889    | 8,199                                           | 355,088        |                               |
| 3. Nursing Scholarships .....                                      | 18,000     |                                                 | 18,000         |                               |
| 4. Center for Business Productivity and<br>Relations .....         | 190,076    |                                                 | 190,076        |                               |
| 5. Developmental Computer<br>Education .....                       | 95,038     |                                                 | 95,038         |                               |
| 6. Occupational and Health<br>Laboratory .....                     | 50,000     |                                                 | 50,000         |                               |
| 7. Auxiliary Enterprises .....                                     |            | 1,837,005                                       | 1,837,005      |                               |
| 8. Restricted Funds .....                                          |            | 308,372                                         | 308,372        |                               |
| SOURCE OF FUNDS:                                                   |            |                                                 |                |                               |
| (1) ASETF .....                                                    | 12,287,666 |                                                 |                |                               |
| (2) Other Funds .....                                              |            | 8,291,026                                       |                |                               |
| Total University of North<br>Alabama .....                         | 12,287,666 | 8,291,026                                       | 20,578,692     |                               |
| X. BOARD OF TRUSTEES OF<br>UNIVERSITY OF SOUTH<br>ALABAMA:         |            |                                                 |                |                               |
| A. University of South Alabama                                     |            |                                                 |                |                               |
| 1. Operations and Maintenance .....                                | 22,272,984 | 15,701,842                                      | 37,974,826     |                               |
| 2. Medical Research and Public<br>Service .....                    | 285,859    |                                                 | 285,859        |                               |
| 3. Family Practice Residency<br>Program .....                      | 572,501    |                                                 | 572,501        |                               |
| 4. College of Medicine .....                                       | 11,300,335 | 11,624,512                                      | 22,924,847     |                               |
| 5. Medical Center Hospital .....                                   | 1,206,232  | 55,555,363                                      | 56,761,595     |                               |
| 6. Nursing Scholarships .....                                      | 18,000     |                                                 | 18,000         |                               |
| 7. Alabama Business and Transporta-<br>tion Program .....          | 95,038     |                                                 | 95,038         |                               |
| 8. Paramedic Training Program .....                                | 141,607    | 90,000                                          | 231,607        |                               |
| 9. Newborn Growth and Development<br>Program .....                 | 81,432     |                                                 | 81,432         |                               |
| 10. Coastal Environmental and Eco-<br>nomic Services Program ..... | 95,038     |                                                 | 95,038         |                               |
| 11. Birth Defects and Genetic Center ...                           | 201,615    |                                                 | 201,615        |                               |
| 12. Research and Public Service .....                              | 93,137     |                                                 | 93,137         |                               |



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|                                 | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|---------------------------------|-------------------------------------------------|----------------|------------------------|
|                                 | ASETF                                           | Trust<br>Funds |                        |
| 13. Baldwin County Campus ..... | 259,454                                         | 225,000        | 484,454                |
| 14. Auxiliary Enterprises ..... |                                                 | 7,548,292      | 7,548,292              |
| 15. Restricted Funds .....      |                                                 | 10,750,000     | 10,750,000             |

**SOURCE OF FUNDS:**

|                                            |            |             |             |
|--------------------------------------------|------------|-------------|-------------|
| (1) ASETF .....                            | 36,623,232 |             |             |
| (2) Other Funds .....                      |            | 101,495,009 |             |
| Total University of South<br>Alabama ..... | 36,623,232 | 101,495,009 | 138,118,241 |

**XI. BOARD OF TRUSTEES OF TROY  
STATE UNIVERSITY:**

**A. Troy State University**

|                                                           |            |            |            |
|-----------------------------------------------------------|------------|------------|------------|
| 1. Operations and Maintenance .....                       | 10,153,068 | 11,740,658 | 21,893,726 |
| 2. Center for Environmental Research<br>and Science ..... | 200,000    |            | 200,000    |
| 3. Nursing Scholarships .....                             | 36,000     |            | 36,000     |
| 4. School of Nursing-Montgomery .....                     | 235,000    | 12,000     | 247,000    |
| 5. Branch Campus at Phenix City .....                     | 651,212    | 295,000    | 946,212    |
| 6. Center for Developmental<br>Education .....            | 240,000    |            | 240,000    |
| 7. Public Radio and Communication<br>Services .....       | 160,000    |            | 160,000    |
| 8. Research and Public Service .....                      | 250,000    | 320,000    | 570,000    |
| 9. Auxiliary Enterprises .....                            |            | 4,456,500  | 4,456,500  |
| 10. Restricted Funds .....                                |            | 712,000    | 712,000    |

**SOURCE OF FUNDS:**

|                                 |            |            |            |
|---------------------------------|------------|------------|------------|
| (1) ASETF .....                 | 11,925,280 |            |            |
| (2) Other Funds .....           |            | 17,536,158 |            |
| Total Troy State University ... | 11,925,280 | 17,536,158 | 29,461,438 |

**B. Troy State University at Dothan**

|                                     |           |         |           |
|-------------------------------------|-----------|---------|-----------|
| 1. Operations and Maintenance ..... | 1,684,962 | 717,557 | 2,402,519 |
| 2. Auxiliary Enterprises .....      |           | 234,414 | 234,414   |

**SOURCE OF FUNDS:**

|                                                |           |         |           |
|------------------------------------------------|-----------|---------|-----------|
| (1) ASETF .....                                | 1,684,962 |         |           |
| (2) Other Funds .....                          |           | 951,971 |           |
| Total Troy State University at<br>Dothan ..... | 1,684,962 | 951,971 | 2,636,933 |

**C. Troy State University in Montgomery**

|                                     |           |           |           |
|-------------------------------------|-----------|-----------|-----------|
| 1. Operations and Maintenance ..... | 1,545,200 | 1,537,480 | 3,082,680 |
| 2. Auxiliary Enterprises .....      |           | 365,255   | 365,255   |

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|                                                                       |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----------------------------------------------------------------------|------------|-------------------------------------------------|----------------|------------------------|
|                                                                       |            | ASETF                                           | Trust<br>Funds |                        |
| 3. Restricted Funds .....                                             |            |                                                 | 199,924        | 199,924                |
| SOURCE OF FUNDS:                                                      |            |                                                 |                |                        |
| (1) ASETF .....                                                       | 1,545,200  |                                                 |                |                        |
| (2) Other Funds .....                                                 |            |                                                 | 2,102,659      |                        |
| Total Troy State University in<br>Montgomery .....                    | 1,545,200  | 2,102,659                                       |                | 3,647,859              |
| XII. BOARD OF TRUSTEES OF<br>ALABAMA INSTITUTE FOR<br>DEAF AND BLIND: |            |                                                 |                |                        |
| 1. Adult Programs .....                                               | 2,834,039  | 2,754,099                                       |                | 5,588,138              |
| 2. Children and Youth Programs .....                                  | 8,729,903  | 1,227,115                                       |                | 9,957,018              |
| 3. Industries for the Blind .....                                     | 874,490    | 12,631,198                                      |                | 13,505,688             |
| SOURCE OF FUNDS:                                                      |            |                                                 |                |                        |
| (1) ASETF .....                                                       | 12,438,432 |                                                 |                |                        |
| (2) Other Funds .....                                                 |            |                                                 | 16,612,412     |                        |
| Total Alabama Institute for<br>Deaf and Blind .....                   | 12,438,432 | 16,612,412                                      |                | 29,050,844             |

## SECTION 5.

## A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama at Birmingham \$3,504,049 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama at Birmingham \$707,548 to be expended for the Chauncey Sparks Center for Developmental and Learning Disorders.

## B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$959,304 to be expended for the Professional and Occupational Licensing and Regulation Program.

## C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$300,000 to be expended for the Certified Law Enforcement Academy Program.

## D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds

mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated forty-five million dollars (\$45,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-8(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1988, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1988.

#### SECTION 6.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

#### SECTION 7.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county, municipal and educational entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Code of Alabama 1975, as amended, Section 41-5-24.

#### SECTION 8.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1988.

#### SECTION 9.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

## SECTION 10.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

## SECTION 11.

This Act shall become effective on October 1, 1987.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, H. B. 269, to-wit:

**AMENDMENT TO SUBSTITUTE FOR H. B. 269**

Amend Finance and Taxation Committee Substitute for House Bill 269 on Page 48 by striking lines 15 to 31 in their entirety;

Further amend on Page 49 by striking line 7 in its entirety; and

Further amend on Page 49, line 10 by striking the figure "189,310,000" and substitute in lieu thereof the figure "186,655,000";

Further amend said bill on Page 53, Lines 18, 20, and 21 by striking the figures "12,190,216" and substitute in lieu thereof the figures "14,845,216".

On motion of Senator Corbett, said amendment was laid on the table.

Yeas 22; Nays 11.

*Yeas:*

|           |           |          |           |     |
|-----------|-----------|----------|-----------|-----|
| Senators: | Corbett   | Goodwin  | Mitchem   |     |
| Amari     | Covington | Hale     | Preuitt   |     |
| Bailey    | Denton    | Hilliard | Rice      |     |
| Bennett   | Drinkard  | Holmes   | Sanders   |     |
| Bishop    | Figures   | Langford | Smith (J) |     |
| Campbell  | Foshee    | Menton   |           | —22 |

*Nays:*

|           |               |       |           |     |
|-----------|---------------|-------|-----------|-----|
| Senators: | Cabaniss      | Dixon | Horn      |     |
| Barron    | deGraffenried | Ellis | Manley    |     |
| Bedsole   | Dial          | Hand  | Smith (B) | —11 |

The Standing Committee on Finance and Taxation then reported the following amendment No. 2 to the substitute for the Bill, H. B. 269, to-wit:

**AMENDMENT TO SUBSTITUTE FOR H. B. 269**

Amend Finance and Taxation Committee Substitute for House Bill 269 on Page 55, Lines 17, 19, and 21 by striking out the figures "\$300,000" and inserting in lieu thereof the figures "\$400,000".

Further amend on Page 58, Lines 6, 8, and 10 by striking out the figures "\$750,000" and inserting in lieu thereof the figures "\$650,000".

Which was adopted.

And on motion of Senator Barron, the substitute, as thus amended, for the Bill, H. B. 269, was adopted.

Yeas 30; Nays 1.

Yeas:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Foshee   | Menton    |
| Amari     | Campbell      | Goodwin  | Mitchem   |
| Bailey    | Corbett       | Hale     | Preuitt   |
| Barron    | Covington     | Hand     | Rice      |
| Bedford   | deGraffenried | Holmes   | Sanders   |
| Bedsole   | Denton        | Horn     | Smith (B) |
| Bennett   | Drinkard      | Langford | Smith (J) |
| Bishop    | Ellis         | Manley   |           |

—30

Nay: Senator Dixon —1

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 391. To create the Fortieth Judicial Circuit and provide for the circuit judgeship and district attorney thereof; to redesignate the circuit judgeships in the Eighteenth Judicial Circuit after one judgeship for the Eighteenth Circuit is transferred and redesignated as the judgeship for the Fortieth Judicial Circuit; to create an additional district judgeship to serve Shelby County; to amend Section 12-11-2 relating to the composition of judicial circuits; to provide appropriations for the fiscal year beginning October 1, 1987; and, to provide an effective date.

JIM SMITH,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 115. CONGRATULATING ROGER AND MAUDIE BEDFORD ON THE BIRTH OF THEIR SON, ROGER H. BEDFORD, III.

Also:

S. J. R. 118. MOURNING THE DEATH OF CHARLES P. BRIGHTWELL OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 108. EXPRESSING SUPPORT FOR THE JULY 4TH "BUY ALABAMA FIRST" CAMPAIGN.

Also:

S. J. R. 112. MOURNING THE DEATH OF BOATSWAIN'S MATE 1ST CLASS BRADLEY OTIS BROWN OF WILTON, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 112. ENDORSING THE IMPROVEMENTS OF THE MANAGEMENT STRUCTURE FOR THE TENNESSEE VALLEY AUTHORITY.

Also:

H. J. R. 120. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

H. J. R. 247. REQUESTING THE UNITED STATES POSTMASTER GENERAL TO ISSUE A STAMP COMMEMORATING THE 100TH ANNIVERSARY OF THE PROFESSION OF CHIROPRACTIC.

Also:

H. J. R. 335. RECOGNIZING EDWARD LEON WHITE FOR OUTSTANDING SERVICE TO PUBLIC EDUCATION IN MOBILE COUNTY, 1954-1987.

Also:

H. J. R. 332. ENCOURAGING THE ALABAMA COLLEGE SYSTEM TO BEGIN PROGRAMS TO TRAIN CHILD CARE WORKERS IN CHILD DEVELOPMENT PRINCIPLES AND OTHER JOB RELATED SKILLS.

Also:

H. J. R. 333. COMMENDING DR. SHIVA P. SINGH FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS TO ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 334. COMMENDING PRESIDENT LEON HOWARD OF ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 306. DESIGNATING AUGUST 22, 1987, AS "BOB MITCHELL DAY" IN THE STATE OF ALABAMA.

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Also:

H. J. R. 307. COMMENDING SAMUEL TERRELL HARDIN OF MONTGOMERY, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 308. HONORING JOHN L. GRANGER FOR OUTSTANDING ACHIEVEMENT AND FOR HIS CONTRIBUTIONS TO THE BLIND THROUGHOUT AMERICA.

Also:

H. J. R. 309. NAMING CLASSROOM-ADMINISTRATION BUILDING OF TROY STATE UNIVERSITY AT PHENIX CITY RALPH W. ADAMS HALL.

Also:

H. J. R. 310. CONGRATULATING THE TROY STATE UNIVERSITY BASEBALL TEAM ON WINNING ITS SECOND CONSECUTIVE NCAA DIVISION II NATIONAL CHAMPIONSHIP.

Also:

H. J. R. 312. EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 81-418, H. 857, REGULAR SESSION 1981 (ACTS 1981, P. 661), PROVIDING EXPENSE ALLOWANCES FOR CERTAIN COUNTY OFFICIALS IN LIMESTONE COUNTY.

Also:

H. J. R. 313. COMMENDING MRS. ELIZABETH H. SMITH UPON HER SELECTION AS PRINCIPAL OF THE YEAR BY THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 314. COMMENDING CHARLES W. BRITNELL FOR OUTSTANDING ACHIEVEMENT AND AS THE RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S KERMIT MATHISON AWARD.

Also:

H. J. R. 336. COMMENDING THE SELMA HIGH SCHOOL OLYMPICS OF THE MIND TEAM.

Also:

H. J. R. 337. COMMENDING DARRELL C. MCCLAIN, RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S KERMIT JOHNSON AWARD.

Also:

H. J. R. 338. COMMENDING THE 1987 WALLACE COLLEGE GOVERNORS' BASEBALL TEAM AND COACH SAMMY FRICHTER FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 176. SUSTAINING THE SUSPENSION OF DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

Also:

H. J. R. 177. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

Also:

H. J. R. 178. SUSTAINING THE SUSPENSION OF A BOARD OF CHIROPRACTIC EXAMINERS RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

Also:

H. J. R. 179. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

Also:

H. J. R. 300. REQUESTING THE GOVERNOR TO PROCLAIM SEPTEMBER 17, 1987, AS "UNITED STATES CONSTITUTION DAY" IN ALABAMA.

Also:

H. J. R. 301. HONORING MRS. PEGGY L. SCARBOROUGH ON HER DISTINGUISHED TENURE WITH AUBURN UNIVERSITY.

Also:

H. J. R. 302. COMMENDING BYRON SKIDMORE OF CITRONELLE, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

H. J. R. 303. COMMENDING GENEVA P. CHAMBERS OF EUTAW, GREENE COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 304. HONORING JOHN BRADLEY FOR HIS 26 YEARS OF DISTINGUISHED SERVICE AS CHIEF OF THE HUEYTOWN FIRE DEPARTMENT.

Also:

H. J. R. 305. MOURNING THE DEATH OF DANIEL REID BOYD OF ROANOKE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.



**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 587. Proposing an amendment to the Constitution of Alabama relative to continuing the imposition of a special district ad valorem tax in certain areas of Baldwin County for public hospital purposes.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 100. Relating to Limestone County; to amend the title and Section 1 of Act No. 418, H. 279, Regular Session 1975 (Acts 1975, p. 1014), which authorizes the county governing body to open graves, so as to authorize a charge of \$50.00 per grave for such services.

Also:

H. 757. Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

Also:

H. 103. Relating to Limestone County, the city of Athens in Limestone County and other political subdivisions in Limestone County which formally agree to participation, to provide for a "metropolitan-government" consisting of Limestone County, Athens, and such other participating political subdivisions which results from a merger of the political, corporate and economic functions into a single entity, the purpose of which is to provide for the economic and efficient merger of said governmental entities, and to provide for a referendum election procedure to accomplish said merger and reorganization of governmental functions.

Also:

H. 41. Relating to Tallapoosa County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 42. Relating to Tallapoosa County; providing for the county commission to reimburse the office of tax collector for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the tax collector may charge a fee for invalid checks.

Also:

H. 52. Relating to Tallapoosa County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 55. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Tallapoosa County; to prohibit the performance of certain work on private property and provide civil fines for violations; providing for an advisory referendum election called for such purpose; and providing for an effective date.

Also:

H. 560. Relating to Barbour County; authorizing and empowering the county commission to impose a certain issuance fee on citations issued for delinquent mobile home license tags and providing that the proceeds from such fees shall be paid to the county license inspector.

Also:

H. 666. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge and to provide for its retroactive effect.

Also:

H. 228. Relating to Jackson County; to create a motor vehicle license and title division within the Revenue Commissioner's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses and titles by the Revenue Commissioner's office; to transfer certain duties now performed by the Probate Judge to said Revenue Commissioner.

Also:

H. 232. Relating to Jackson County; to amend Section 2 of Act No. 86-469, H. 248 of the 1986 Regular Session (Acts 1986, p. 853), relating to

selling and redeeming lands for taxes, so as to change the term "revenue commission" to "revenue commissioner."

Also:

H. 265. To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, relating to Insurance Company Premium Tax so as to change the dates of premium tax payments by insurers.

Also:

H. 632. Relating to Henry County; providing for the composition of the Henry County Commission; providing that the Judge of Probate shall serve as a non-voting chairperson for the county commission; providing for election of county commissioners from single-member districts and defining the single-member commission districts; prescribing the manner of election and terms of the members of the county commission; providing that members of the county commission shall reside within the boundaries of their respective commission districts; providing for filling vacancies on the county commission and providing that this act shall have retroactive effect to the election of the members of the Henry County Commission in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

Also:

H. 633. Relating to Henry County; providing for the composition of the board of education; providing for the election of the members of said board from single-member districts and defining such districts; prescribing the manner of election and terms of such members; providing that the chairperson shall be elected from the membership of such board; providing for filling vacancies on such board and providing that this act shall have retroactive effect to the election of the members of the Henry County Board of Education in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

Also:

H. 634. Relating to Henry County; providing certain additional compensation for the poll workers to be paid from the county general fund retroactive to October 1, 1986.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF H. B. 269, AS AMENDED**

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended by the substitute, as amended.

Senator Foshee offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

### AMENDMENT TO H. B. 269, AS AMENDED

Amend House Bill 269, as amended, on page 29, line 10 by deleting "125,000" and by inserting in lieu thereof "471,005".

Further amend House Bill 269 on page 29, line 17 by deleting "58,601,262" and "108,353,202" and by inserting in lieu thereof "58,947,267" and "108,699,207" respectively.

Further amend House Bill 269 on page 29, line 14 by deleting "58,601,262" and by inserting in lieu thereof "58,947,267".

Further amend House Bill 269 on page 31, after line 12, by inserting the following:

|                                |         |          |
|--------------------------------|---------|----------|
| "(g) Program Enhancement ..... | 283,095 | 283,095" |
|--------------------------------|---------|----------|

Further amend House Bill 269 on page 31, line 17 by deleting "47,969,508" and "82,648,143" and by inserting in lieu thereof "48,252,603" and "82,931,238" respectively.

Further amend House Bill 269 on page 31, line 14 by deleting "47,969,508" and by inserting in lieu thereof "48,252,603".

Further amend House Bill 269 on page 59, line 10 by deleting "48,435,567" and "79,149,540" and by inserting in lieu thereof "48,806,219" and "79,520,192" respectively.

Further amend House Bill 269 on page 60, lines 8 and 10 by deleting "65,974,640" and "148,138,973" and by inserting in lieu thereof "66,345,292" and "148,509,625" respectively.

Further amend House Bill 269 on page 62, after line 14 by inserting the following:

|                                                              |         |          |
|--------------------------------------------------------------|---------|----------|
| "42.Center for Biotechnology Education<br>and Research ..... | 556,288 | 556,288" |
|--------------------------------------------------------------|---------|----------|

Further amend House Bill 269 on page 62, lines 18 and 23 by deleting "99,016,932" and "420,409,503" and by inserting in lieu thereof "99,573,220" and "420,965,791" respectively.

Further amend House Bill 269 on page 62, line 15 by striking the item number "42." and insert in lieu thereof "43."; further amend on page 62 line 16, by striking the item number "43." and insert in lieu thereof "44."

Further amend House Bill 269 on page 62, line 25 by deleting "12,921,919" and "23,887,058" and by inserting in lieu thereof "13,040,013" and "24,005,152" respectively.

Further amend House Bill 269 on page 63, lines 17 and 20 by deleting "21,020,372" and "46,197,878" and by inserting in lieu thereof "21,138,466" and "46,315,972" respectively.

Further amend House Bill 269 on page 63, line 24 by deleting "14,562,005" and "20,867,008" and by inserting in lieu thereof "14,638,214" and "20,943,217" respectively.

Further amend House Bill 269 on page 63, lines 32 and 34 by deleting "15,302,562" and "32,973,143" and by inserting in lieu thereof "15,378,771" and "33,049,352" respectively.

Further amend House Bill 269 on page 64, line 8 by deleting "14,839,852" and "18,680,427" and by inserting in lieu thereof "14,909,366" and "18,749,941" respectively.

Further amend House Bill 269 on page 64, lines 16 and 18 by deleting "15,189,966" and "30,326,371" and by inserting in lieu thereof "15,259,480" and "30,395,885" respectively.

Further amend House Bill 269 on page 64, line 21 by deleting "2,773,090" and "4,312,839" and by inserting in lieu thereof "2,790,391" and "4,330,074" respectively.

Further amend House Bill 269 on page 64, lines 25 and 27 by deleting "2,773,090" and "5,178,773" and by inserting in lieu thereof "2,790,391" and "5,196,074" respectively.

Further amend House Bill 269 on page 64, line 30 by deleting "52,976,247" and "100,463,127" and by inserting in lieu thereof "53,334,947" and "100,821,827" respectively.

Further amend House Bill 269 on page 65, lines 32 and 34 by deleting "66,565,972" and "160,825,042" and by inserting in lieu thereof "66,924,672" and "161,183,742" respectively.

Further amend House Bill 269 on page 66, line 6 by deleting "12,537,350" and "16,724,459" and by inserting in lieu thereof "12,607,553" and "16,794,662" respectively.

Further amend House Bill 269 on page 66, lines 11 and 14 by deleting "13,112,540" and "25,473,730" and by inserting in lieu thereof "13,182,743" and "25,543,933" respectively.

Further amend House Bill 269 on page 66, line 16 by deleting "13,383,827" and by inserting in lieu thereof "13,467,353".

Further amend House Bill 269 on page 66, lines 21 and 24 by deleting "15,555,207" and "25,677,357" and by inserting in lieu thereof "15,638,733" and "25,760,883" respectively.

Further amend House Bill 269 on page 66, line 26 by deleting "10,411,837" and "16,701,876" and by inserting in lieu thereof "10,479,013" and "16,769,052" respectively.

Further amend House Bill 269 on page 67, lines 7 and 10 by deleting "11,015,440" and "22,275,046" and by inserting in lieu thereof "11,082,616" and "22,342,222" respectively.

Further amend House Bill 269 on page 67, line 14 by deleting "14,910,722" and "23,271,680" and by inserting in lieu thereof "15,018,973" and "23,379,931" respectively.

Further amend House Bill 269 on page 67, lines 29 and 31 by deleting "16,200,493" and "31,021,742" and by inserting in lieu thereof "16,308,744" and "31,129,993" respectively.

Further amend House Bill 269 on page 68, line 8 by deleting "5,384,709" and "6,716,234" and by inserting in lieu thereof "5,410,777" and "6,742,302" respectively.

Further amend House Bill 269 on page 68, lines 13 and 15 by deleting "5,402,709" and "9,436,328" and by inserting in lieu thereof "5,428,777" and "9,462,396" respectively.

Further amend House Bill 269 on page 68, line 19 by deleting "8,003,168" and "11,100,610" and by inserting in lieu thereof "8,050,718" and "11,148,160" respectively.

Further amend House Bill 269 on page 68, lines 34 and 36 by deleting "8,910,472" and "17,038,370" and by inserting in lieu thereof "8,958,022" and "17,085,920" respectively.

Further amend House Bill 269 on page 69, line 8 by deleting "11,587,663" and "17,725,113" and by inserting in lieu thereof "11,664,885" and "17,802,335" respectively.

Further amend House Bill 269 on page 69, lines 18 and 20 by deleting "12,287,666" and "20,578,692" and by inserting in lieu thereof "12,364,888" and "20,655,914" respectively.

Further amend House Bill 269 on page 69, line 24 by deleting "22,272,984" and "37,974,826" and by inserting in lieu thereof "22,493,238" and "38,195,080" respectively.

Further amend House Bill 269 on page 70, lines 13 and 15 by deleting "36,623,232" and "138,118,241" and by inserting in lieu thereof "36,843,486" and "138,338,495" respectively.

Further amend House Bill 269 on page 70, line 19 by deleting "10,153,068" and "21,893,726" and by inserting in lieu thereof "10,225,993" and "21,966,651" respectively.

Further amend House Bill 269 on page 70, line 24 by deleting "651,212" and "946,212" and by inserting in lieu thereof "656,076" and "951,076" respectively.

Further amend House Bill 269 on page 70, lines 32 and 34 by deleting "11,925,280" and "29,461,438" and by inserting in lieu thereof "12,003,069" and "29,539,227" respectively.

Further amend House Bill 269 on page 71, line 6 by deleting "1,684,962" and "2,402,519" and by inserting in lieu thereof "1,699,072" and "2,416,629" respectively.

Further amend House Bill 269 on page 71, lines 9 and 12 by deleting "1,684,962" and "2,636,933" and by inserting in lieu thereof "1,699,072" and "2,651,043" respectively.

Further amend House Bill 269 on page 71, line 14 by deleting "1,545,200" and "3,082,680" and by inserting in lieu thereof "1,557,193" and "3,094,673" respectively.

Further amend House Bill 269 on page 71, lines 18 and 21 by deleting "1,545,200" and "3,647,859" and by inserting in lieu thereof "1,557,193" and "3,659,852" respectively.

Amend House Bill 269 as substituted on page 53 lines 18, 19, 20 and 21 by striking them in their entirety and by inserting in lieu thereof the following:

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|                                    |                                          |
|------------------------------------|------------------------------------------|
| “(a) Reserve Account Program ..... | 9,190,216                                |
| SOURCE OF FUNDS:                   |                                          |
| (1) ASETF .....                    | _____                                    |
| Total ASETF Reserve                |                                          |
| Account .....                      | 9,190,216                      9,190,216 |

Senator Barron moved that said amendment be laid on the table, which motion was lost.

Yeas 6; Nays 22.

*Yeas:*

|           |          |          |         |    |
|-----------|----------|----------|---------|----|
| Senators: | Cabaniss | Hilliard | Mitchem |    |
| Barron    | Dial     | Horn     |         | —6 |

*Nays:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | deGraffenried | Foshee   | Manley    |     |
| Bailey    | Denton        | Goodwin  | Menton    |     |
| Bennett   | Dixon         | Hale     | Preuitt   |     |
| Campbell  | Drinkard      | Hand     | Rice      |     |
| Corbett   | Ellis         | Holmes   | Smith (J) |     |
| Covington | Figures       | Langford |           | —22 |

And said amendment was then adopted.

Yeas 26; Nays 2.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Foshee   | Manley    |     |
| Bailey    | deGraffenried | Goodwin  | Menton    |     |
| Barron    | Denton        | Hale     | Mitchem   |     |
| Bedsole   | Dixon         | Hand     | Preuitt   |     |
| Bennett   | Drinkard      | Hilliard | Sanders   |     |
| Campbell  | Ellis         | Holmes   | Smith (J) |     |
| Corbett   | Figures       | Langford |           | —26 |

*Nays:*

|           |          |      |    |
|-----------|----------|------|----|
| Senators: | Cabaniss | Dial | —2 |
|-----------|----------|------|----|

Senator Dial offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

**AMENDMENT TO H. B. 269, AS AMENDED**

Amend House Bill 269 as substituted on page 28 by deleting lines 30 through 36 in their entirety and inserting in lieu thereof the following:

“(20) Other Current Expense      3,900,000  
To be allocated to each  
local County and City  
Board of Education.  
Furthermore, this  
money shall be allocated  
on the same basis as

money allocated in fiscal year 1986-87 for the Career Incentive Program Coordinators to each Board of Education."

On motion of Senator Barron, said amendment was laid on the table.

Senator Rice offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

### AMENDMENT TO H. B. 269, AS AMENDED

Amend House Bill 269 as substituted on page 53 lines 18, 19, 20 and 21 by striking them in their entirety and by inserting in lieu thereof the following:

|                                    |           |
|------------------------------------|-----------|
| "(a) Reserve Account Program ..... | 8,190,216 |
| SOURCE OF FUNDS:                   |           |
| (1) ASETF .....                    | 8,190,216 |
| Total ASETF Reserve Account .....  | 8,190,216 |
|                                    | 8,190,216 |

Further amend the bill on page 37 after line 9 by inserting the following:

"(d) Perinatal Health Program ..... 1,000,000"

Further amend the bill on page 37 lines 11 and 12 by deleting the figure "5,240,252" and inserting in lieu thereof the figure "6,240,252".

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 690. Relating to Escambia County; to repeal Act No. 649, H. 1144, 1978 Regular Session (Acts 1978, p. 921) which provides for the payment or reimbursement by the county to the members and chairman of the county commission of actual expenses incurred in the performance of their duties outside the county, including expenses incurred in attending conventions of the national and Alabama associations of county commissioners, retroactive to June 1, 1987.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 49. To propose an amendment to the Constitution of 1901, relating to the levy and collection of school district taxes for city and county school



systems within Tallapoosa County and relating to the levy and collection of ad valorem taxes designated for Alexander City Junior College for tuition assistance; to provide that such taxes are cumulative to any and all other such taxes in Tallapoosa County; to provide that such tax shall be effective upon approval at a referendum called for the purpose and the ratification of this amendment at a referendum, pursuant to Amendment 425 of the Constitution of 1901, as amended, and which referendum shall constitute a referendum on the tax. The Tallapoosa County Board of Education and Alexander City Junior College shall administer the allocation of such respective taxes.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 400. Relating to Sumter County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 392. Relating to Coffee County; authorizing the Coffee County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; expressing legislative intent regarding said contracts; and repealing Act 86-718, 1986 1st Special Session.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 346. To provide that no person shall perform an abortion on an unemancipated minor without parental consent of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and

procedures; and to provide for criminal penalties for violation of the provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 406. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Sumter County.

Also:

S. 409. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Greene County.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 368. To authorize the establishment of branch banks in Clay County.

Also:

S. 398. Proposing an amendment to the Constitution of 1901, as amended, relating to Greene County and the qualifications for office of the judge of probate.

Also:

S. 399. Relating to Greene County; levying a lodging tax, providing for the collection and distribution of said tax.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 410. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Lowndes County.

Also:

S. 411. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Wilcox County.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF H. B. 269, AS AMENDED**

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended. The question was on the amendment offered by Senator Rice.

Senator Horn moved that said amendment be laid on the table, which motion was lost.

Yeas 2; Nays 23.

*Yeas:*

|           |        |      |    |
|-----------|--------|------|----|
| Senators: | Barron | Horn | —2 |
|-----------|--------|------|----|

*Nays:*

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Senators: | Cabaniss  | Dixon    | Holmes    |
| Amari     | Campbell  | Drinkard | Langford  |
| Bailey    | Corbett   | Goodwin  | Manley    |
| Bedsole   | Covington | Hale     | Rice      |
| Bennett   | Denton    | Hand     | Sanders   |
| Bishop    | Dial      | Hilliard | Smith (J) |
|           |           |          | —23       |

And said amendment was then adopted.

Yeas 28; Nays 0.

*Yeas:*

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Campbell      | Drinkard | Manley    |
| Amari     | Corbett       | Figures  | Mitchem   |
| Bailey    | Covington     | Hale     | Preuitt   |
| Barron    | deGraffenried | Hand     | Rice      |
| Bedsole   | Denton        | Hilliard | Sanders   |
| Bennett   | Dial          | Holmes   | Smith (B) |
| Bishop    | Dixon         | Langford | Smith (J) |
| Cabaniss  |               |          | —28       |

*Nays:* —0

Senator Dixon offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

**AMENDMENT TO H. B. 269, AS AMENDED**

Amend House Bill 269, as amended, on page 58, lines 6, 8, and 10 by striking the figure "650,000" and substitute in lieu thereof the figure "750,000";

Further amend said bill on page 53 lines 18, 20 and 21 by striking the figure "8,190,216" and substitute in lieu thereof the figure "8,090,216"

Which was adopted.

Yeas 27; Nays 1.

*Yeas:*

|           |               |          |          |
|-----------|---------------|----------|----------|
| Senators: | Cabaniss      | Drinkard | Holmes   |
| Amari     | Campbell      | Ellis    | Langford |
| Bailey    | Covington     | Figures  | Manley   |
| Barron    | deGraffenried | Goodwin  | Mitchem  |
| Bedsole   | Denton        | Hale     | Preuitt  |
| Bennett   | Dial          | Hand     | Rice     |
| Bishop    | Dixon         | Hilliard | Sanders  |
|           |               |          | —27      |

*Nay:* Senator Corbett. —1

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 392. Relating to Coffee County; authorizing the Coffee County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; expressing legislative intent regarding said contracts; and repealing Act 86-718, 1986 1st Special Session.

Also:

H. 400. Relating to Sumter County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Also:

H. 690. Relating to Escambia County; to repeal Act No. 649, H. 1144, 1978 Regular Session (Acts 1978, p. 921) which provides for the payment or reimbursement by the county to the members and chairman of the county commission of actual expenses incurred in the performance of their duties outside the county, including expenses incurred in attending conventions of the national and Alabama associations of county commissioners, retroactive to June 1, 1987.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 49. To propose an amendment to the Constitution of 1901, relating to the levy and collection of school district taxes for city and county school systems within Tallapoosa County and relating to the levy and collection of ad valorem taxes designated for Alexander City Junior College for tuition assistance; to provide that such taxes are cumulative to any and all other such taxes in Tallapoosa County; to provide that such tax shall be effective upon approval at a referendum called for the purpose and the ratification

of this amendment at a referendum, pursuant to Amendment 425 of the Constitution of 1901, as amended, and which referendum shall constitute a referendum on the tax. The Tallapoosa County Board of Education and Alexander City Junior College shall administer the allocation of such respective taxes.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF H. B. 269, AS AMENDED**

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended.

Senator Cabaniss offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

### **AMENDMENT TO H. B. 269, AS AMENDED**

Amend House Bill 269, as amended, in Section 3(A)(19) page 37, lines 16 and 18 and on page 38 lines 9, 30 and 32 by deleting the figure "90,237,368" and inserting in lieu thereof the figure "72,489,600".

Further amend the bill on page 38 after line 32 by adding the following:

"In addition to the above appropriation there is hereby appropriated to the Public Education Employees' Health Insurance Board the sum of \$17,747,768 to be conditioned on the availability of funds in the ASETF and the approval of the Governor." It is the intent of the Legislature that this conditional appropriation be released prior to the release of any other conditional appropriation.

Further amend the bill on page 53 lines 18, 20 and 21 by deleting the figure "8,090,216" and inserting in lieu thereof the figure "25,837,984".

On motion of Senator Campbell, said amendment was laid on the table.

Yeas 22; Nays 7.

Yeas:

|           |           |         |          |
|-----------|-----------|---------|----------|
| Senators: | Campbell  | Figures | Langford |
| Amari     | Corbett   | Foshee  | Mitchem  |
| Barron    | Covington | Goodwin | Preuitt  |
| Bedford   | Denton    | Hale    | Rice     |
| Bennett   | Dixon     | Holmes  | Sanders  |
| Bishop    | Drinkard  | Horn    |          |

*Nays:*

|           |          |               |        |    |
|-----------|----------|---------------|--------|----|
| Senators: | Bedsole  | deGraffenried | Hand   |    |
| Bailey    | Cabaniss | Ellis         | Manley | —7 |

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. 41. To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

Also:

S. J. R. 108. EXPRESSING SUPPORT FOR THE JULY 4TH "BUY ALABAMA FIRST" CAMPAIGN.

Also:

S. J. R. 112. MOURNING THE DEATH OF BOATSWAIN'S MATE 1ST CLASS BRADLEY OTIS BROWN OF WILTON, ALABAMA.

Also:

S. J. R. 115. CONGRATULATING ROGER AND MAUDIE BEDFORD ON THE BIRTH OF THEIR SON, ROGER H. BEDFORD, III.

Also:

S. J. R. 118. MOURNING THE DEATH OF CHARLES P. BRIGHTWELL OF MONTGOMERY, ALABAMA.

JIM SMITH,  
Chairperson.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 269, AS AMENDED

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended.

Senator Langford offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

### AMENDMENT TO H. B. 269, AS AMENDED

Amend House Bill 269, as amended, on page 53 lines 18, 19, 20 and 21 by striking them in their entirety and by inserting in lieu thereof the following:

REGULAR SESSION  
20th Day

1197

"(a) Reserve Account Program ..... 8,077,716  
SOURCE OF FUNDS:  
(1) ASETF ..... 8,077,716  
Total ASETF Reserve  
Account ..... 8,077,716 8,077,716

Further amend the bill on page 7 line 22 and page 8 lines 20 and 22 by deleting the figure "1,725,571" and inserting in lieu thereof the figure "1,738,071".

Further amend the bill on page 8 line 11 by deleting the figure "125,000" and inserting in lieu thereof the figure "137,500".

Further amend the bill on page 12 line 13 by deleting the figure "44,741,308" and inserting in lieu thereof the figure "44,753,808".

Further amend the bill on page 12 line 16 by deleting the figures "44,741,308" and "355,908,576" and inserting in lieu thereof the figures "44,753,808" and "355,921,076".

Senator Barron moved that said amendment be laid on the table, which motion was lost.

And said amendment to the Bill, H. B. 269, as amended, was adopted.

Yeas 14; Nays 4.

*Yeas:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Corbett   | Goodwin  | Manley  |
| Bailey    | Covington | Hale     | Rice    |
| Bedford   | Denton    | Hand     | Sanders |
| Bishop    | Figures   | Langford |         |

—14

*Nays:*

|           |          |               |         |
|-----------|----------|---------------|---------|
| Senators: | Cabaniss | deGraffenried | Mitchem |
| Barron    |          |               |         |

—4

Senator Sanders offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

**AMENDMENT TO H. B. 269, AS AMENDED**

Amend H. B. 269, as amended, on page 66, line 8 by deleting the figure "100,000" and inserting in lieu thereof the figure "300,000".

Further amend on page 66, line 6 by deleting the figures "12,537,350" and "16,724,459" and inserting in lieu thereof the figures "12,337,350" and "16,524,459" respectively.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

|           |           |         |          |
|-----------|-----------|---------|----------|
| Senators: | Cabaniss  | Ellis   | Langford |
| Amari     | Corbett   | Goodwin | Manley   |
| Bailey    | Covington | Hale    | Menton   |
| Barron    | Denton    | Hand    | Mitchem  |
| Bedford   | Dixon     | Holmes  | Rice     |
| Bedsole   | Drinkard  | Horn    | Sanders  |
| Bennett   |           |         |          |

—24

*Nays:*

—0

Senator Covington offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

**AMENDMENT TO H. B. 269, AS AMENDED**

Amend House Bill 269, as amended, on page 53 lines 18, 19, 20 and 21 by striking them in their entirety and by inserting in lieu thereof the following:

“(a) Reserve Account Program ..... 7,766,716

**SOURCE OF FUNDS:**

(1) ASETF ..... 7,766,716

Total ASETF Reserve

Account ..... 7,766,716 7,766,716

Further amend the bill on page 18 by eliminating subsection 8 in its entirety and inserting the following:

“(8) Special Schools for  
Special  
Education ..... 3,110,000

To be distributed by the State Board of Education as follows: \$500,000 shall be allocated to the Tuscaloosa Regional Handicapped School; a portion of which shall be used to relocate the county school bus shop; \$50,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$450,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$275,000 shall be allocated to the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in



Birmingham, Alabama; \$75,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$75,000 shall be allocated to the Alice Pigman School; \$75,000 shall be allocated to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$400,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$100,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$50,000 shall be allocated to the Geneva County Day Care and Training Center; \$50,000 shall be allocated to McGraw Activity Center; \$150,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$30,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$100,000 shall be allocated to Cullman City Special Education Program; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$50,000 shall be allocated to the Dallas County Day Care and Training Center; \$50,000 shall be allocated to the Calhoun County Community-"EDUCATION PAR EXCELLENCE"; \$25,000

shall be allocated to the North Talladega County Association for Retarded Citizens, Inc.; \$25,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$15,000 shall be allocated to the ECHO FOUNDATION; \$100,000 shall be allocated to the Alan Cott School; \$17,000 shall be allocated to the Tannehill Learning Center, \$145,000 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purposes of Code of Alabama 1975, as amended, Sections 16-39-3, and P.L. 94-142.

Further amend the bill on page 14 lines 12, 14, and 16 by deleting the figure "448,158,412" and inserting in lieu thereof the figure "448,469,412".

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

|           |           |          |         |
|-----------|-----------|----------|---------|
| Senators: | Corbett   | Hale     | Manley  |
| Amari     | Covington | Hand     | Menton  |
| Bailey    | Denton    | Holmes   | Mitchem |
| Barron    | Ellis     | Horn     | Rice    |
| Bedford   | Goodwin   | Langford | Sanders |
| Bennett   |           |          |         |

—20

*Nays:*

—0

On motion of Senator Bennett, the Senate reconsidered the vote by which it adopted the Covington amendment to the Bill, H. B. 269, as amended.

On motion of Senator Bennett, further consideration of the Covington amendment was postponed subject to the call of the Chair.

Senator Corbett offered the following amendment to the Bill, H. B. 269, as amended, to-wit:

#### **AMENDMENT TO H. B. 269, AS AMENDED**

Amend House Bill 269, as amended, on page 58, by deleting lines 5 through 10 in their entirety.

Further amend House Bill 269, as amended, on page 58, beginning on line 5, by adding the following:

10. AIDS EDUCATION

(a) Department of Health ..... 600,000

SOURCE OF FUNDS:

(1) ASETF ..... 600,000

Total for AIDS Education ..... 600,000 600,000

The above appropriation shall be used by the State Health Department to develop a plan of education to be used in the schools so as to instruct students on the dangers of Acquired Immune Deficiency Syndrome. The chief state medical officer shall be responsible for the development and implementation of said plan.

Further amend House Bill 269, as amended, on page 16, lines 14 and 26, by deleting "10,934,575" and substituting in lieu thereof "11,084,575" for Classroom Instructional Supplies.

Further amend on page 16, line 18 & 19 by deleting the words "two hundred seventy-seven (\$277)" and inserting in lieu thereof the words "two hundred eighty dollars and eighty cents (\$280.80).

Further amend on page 14, lines 12, 14 & 16 by deleting the number "448,158,412" and inserting in lieu thereof the number "448,308,412".

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 368. To authorize the establishment of branch banks in Clay County.

Also:

S. 398. Proposing an amendment to the Constitution of 1901, as amended, relating to Greene County and the qualifications for office of the judge of probate.

Also:

S. 399. Relating to Greene County; levying a lodging tax, providing for the collection and distribution of said tax.

Also:

S. 406. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Sumter County.

Also:

S. 409. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Greene County.

Also:

S. 410. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Lowndes County.

Also:

S. 411. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Wilcox County.

JIM SMITH,  
Chairperson.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 346. To provide that no person shall perform an abortion on an unemancipated minor without parental consent of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **RECESS**

At 5:40 P.M., on motion of Senator Barron, the Senate took a recess until 7:30 this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### **FURTHER CONSIDERATION OF H. B. 269**

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended.

The question was on the amendment offered by Senator Corbett to the Bill, H. B. 269, as amended.

**RESOLUTION**

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 149. COMMENDING ROBIN KUYKENDALL OF BANKSTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 365. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF H. B. 269**

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended.

The question was on the amendment offered by Senator Corbett to the Bill, H. B. 269, as amended.

**ADJOURNMENT**

The hour of midnight having arrived, the Senate was declared adjourned, pending further consideration of the Bill, H. B. 269, until Wednesday, June 24, 1987, at 10 o'clock A.M.

## **TWENTY-FIRST LEGISLATIVE DAY**

**WEDNESDAY, JUNE 24, 1987**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Scott Addison, Jefferson Davis High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

|           |               |          |           |
|-----------|---------------|----------|-----------|
| Senators: | Cabaniss      | Ellis    | Langford  |
| Amari     | Campbell      | Figures  | Manley    |
| Bailey    | Corbett       | Foshee   | Menton    |
| Barron    | Covington     | Goodwin  | Preuitt   |
| Bedford   | deGraffenried | Hale     | Rice      |
| Bedsole   | Dial          | Hilliard | Sanders   |
| Bennett   | Dixon         | Holmes   | Smith (B) |
| Bishop    | Drinkard      | Horn     | Smith (J) |

—31

### **JOURNAL**

On motion of Senator Dial, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

### **LEAVE OF ABSENCE**

On motion of Senator Dial, leave of absence was granted Senators Denton, Hand, Mitchem, and Parsons for today.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 150. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That when the Senate adjourns today it adjourn to meet again on Thursday, June 25, 1987 at 12:01 a.m.

On motion of Senator Smith (J), said Resolution was adopted by the Senate.

Yeas 23; Nays 2.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Cabaniss      | Ellis   | Langford  |     |
| Amari     | Corbett       | Figures | Menton    |     |
| Bailey    | deGraffenried | Foshee  | Preuitt   |     |
| Barron    | Dial          | Hale    | Rice      |     |
| Bedsole   | Dixon         | Holmes  | Smith (B) |     |
| Bennett   | Drinkard      | Horn    | Smith (J) | —23 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Bedford | Goodwin | —2 |
|-----------|---------|---------|----|

**MOTION IN WRITING**

Senator Holmes requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 453, on page 71 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 453, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**UNFINISHED BUSINESS**

**BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 269. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988.

as amended by the substitute, as amended, which said substitute and amendments are set out in the Journal of the Senate for the Twentieth Legislative Day.

The question was on the amendment No. 1 offered by Senator Corbett.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 18; Nays 2.

*Yeas:*

|           |               |        |           |     |
|-----------|---------------|--------|-----------|-----|
| Senators: | Campbell      | Foshee | Preuitt   |     |
| Amari     | deGraffenried | Hale   | Rice      |     |
| Bedsole   | Dial          | Holmes | Smith (B) |     |
| Bennett   | Dixon         | Manley | Smith (J) |     |
| Cabaniss  | Drinkard      | Menton |           | —18 |

*Nays:*

|           |         |         |    |
|-----------|---------|---------|----|
| Senators: | Corbett | Figures | —2 |
|-----------|---------|---------|----|

Senator Corbett then offered the following amendment No. 2 to the Bill, H. B. 269, as amended, to-wit:

### AMENDMENT NO. 2. TO H. B. 269, AS AMENDED

Amend House Bill No. 269, Page 58, Line 5, by striking out entire section "10" as amended and renumber subsequent sections.

Page 16, Line 14, strike the figure "\$10,934,575" and insert in lieu thereof the figure "\$11,684,575".

Line 26, strike the figure "\$10,934,575" and insert in lieu thereof the figure "\$11,684,575".

Further amend the bill on page 16, line 19 by striking the figure "(\$277)" and insert in lieu thereof the figure "(\$296)".

Further amend on page 14, lines 12, 14 and 16 by striking the figure "448,158,412, and insert in lieu thereof the figure "448,908,412".

### RECESS

At 10:40 A.M., on motion of Senator Corbett, the Senate took a recess subject to the call of the Chair.

At 1:15 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### FURTHER CONSIDERATION OF H. B. 296, AS AMENDED

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended by the substitute, as amended.

The question was on the amendment No. 2 offered by Senator Corbett.

### RESOLUTION

Senator deGraffenried requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 151. MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that when the legislature adjourns today, Wednesday, June 24, 1987, they adjourn to meet again on Thursday, June 25, 1987, and when they adjourn on Thursday, June 25, 1987, they adjourn to meet again on Tuesday, July 7, 1987.



On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Bedsole and Menton:

S. 612. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, relating to exemptions from sales and use taxes, so as to provide further for the exemption of the sale of fuel and supplies for certain vessels; the materials, equipment, and machinery which become a component part of vessels; and certain equipment used in offshore federal waters.

Committee on Finance and Taxation.

By Senators Foshee and Rice:

S. 613. To amend Section 34-27-7 Code of Alabama 1975, so as to provide for the appointment of members of the Alabama Real Estate Commission by the Governor of Alabama by providing that the said appointments be made from a list of nominations submitted by a prescribed method; and further to provide that the executive director and assistant executive director possess certain administrative and management qualifications; and to provide an effective date.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 614. To amend Section 12-15-6, Code of Alabama 1975, as amended, relating to juvenile court referees, so as to specifically provide that a juvenile court judge may direct the juvenile court referee to perform certain administrative duties and acts, in the temporary absence of the juvenile court judge or at any time that the judge determines such action to be necessary to the efficient operation of the court; and to provide an effective date.

Committee on Judiciary.

By Senators Hale and Campbell:

S. 615. To establish a Physical Therapy Assistant Program at George C. Wallace State Community College at Hanceville, Alabama.

Committee on Rules.

By Senator Rice:

S. 616. To establish the Alabama Impaired Professionals' Committee; to provide that the State Board of Dental Examiners and the Board of Pharmacy shall have certain duties and obligations to promote early identification, intervention, treatment and rehabilitation of the professional within their jurisdictions and impaired by reason of illness, inebriation, excessive use of certain drugs, and controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition; to define the term impaired; to authorize the State Board of Dental Examiners and the Board of Pharmacy to contract with any nonprofit corporation for the creation of the Alabama Impaired Professionals' Committee; to provide for the functions and responsibilities of the committee under a contract

between the State Board of Dental Examiners and the Board of Pharmacy and a nonprofit corporation or health provider professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Professionals' Committee to the respective boards; to prescribe that a professional serving as a member of the Alabama Impaired Professionals' Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of such committee; to provide that a nonprofit corporation or medical or health provider professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Professionals' Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Professionals' Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Professionals' Committee shall render annual reports to the respective state boards and shall report to the respective professional body any professional, within their respective jurisdiction, currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the committee; to provide that a report to the Alabama Impaired Professionals' Committee shall deem to be a report to the said boards, for the purpose of any mandated reporting of professional impairment otherwise provided for by law; to provide that where the said boards have cause to believe a dentist or pharmacist is impaired the board may cause an evaluation of such impaired professional to be conducted by the Alabama Impaired Professionals' Committee; to provide for the severability of the provisions of this act; to provide for cumulative effect; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this act.

Committee on Health.

By Senators Rice, Covington, and Bedford:

S. 617. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide a uniform method of contesting alcoholic beverage elections held pursuant to Chapters 2 and 2A, Title 28, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Rice, Covington, and Foshee:

S. 618. To amend Section 28-3-1, Code of Alabama 1975, which provides uniform definitions for regulation and control of alcoholic beverages in wet counties, for the Alcoholic Beverage Licensing Code, and for the Alabama Table Wine Act, so as to provide further for said definitions.

Committee on Governmental Affairs.

By Senators Dial, Holmes, Rice, Bailey, Barron, Preuitt, Smith (B), and Smith (J):

S. 619. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the

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fiscal year ending September 30, 1988, in the amount of \$1,065,921.00 for support and maintenance.

Committee on Finance and Taxation.

By Senator deGraffenried (With Notice and Proof):

S. 620. Relating to Tuscaloosa County; providing the tax assessor and tax collector of the county an additional expense allowance, payable from county funds; and providing further for the compensation of each such public office at the expiration of the respective terms of office of such incumbent officials.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 620, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Figures:

S. 621. To establish the Alabama Supplemental Home Energy Assistance Program which will provide energy assistance for certain low income households which qualify for participation under the program; defines low income household and provides that low income households shall be eligible to participate under the program; to provide for payments by the Alabama Department of Economic and Community Affairs to approved energy suppliers for the purpose of helping meet the home energy costs of eligible low income households; to establish income eligibility requirements; to establish the amount of payment to be made to approved energy suppliers on behalf of participating households; to create the Supplemental Home Energy Assistance Fund and to appropriate fifteen million dollars to such fund; to provide for administration of the program and to provide for administrative and judicial review.

Committee on Commerce,  
Transportation, and Utilities.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 209. To amend Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, private and parochial schools, the Alabama Institute for Deaf and Blind, Department of Youth Services School District and all other public institutions of higher learning shall be exempt from taxation under the levy provided for in Section 40-17-31 (a) and Section 40-17-171 and Section 40-17-220, Code of Alabama, 1975.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives: Harper, Drake, and Walker.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Manley, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 209, the title of which is set out in the foregoing Message from the House.

Yeas 19; Nays 0.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Bishop        | Figures | Horn      |     |
| Bailey    | Covington     | Foshee  | Langford  |     |
| Barron    | deGraffenried | Goodwin | Manley    |     |
| Bedsole   | Dial          | Hale    | Rice      |     |
| Bennett   | Drinkard      | Holmes  | Smith (B) | —19 |

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Manley, Foshee, and Dial.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 345. COMMENDING ARTHUR A. HOLK OF FOLEY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT, AND FOR SERVICE TO THE CITY OF FOLEY, BALDWIN COUNTY AND THE STATE OF ALABAMA.

Also:

By Rep. Campbell:

H. J. R. 347. RECOGNIZING WITH COMMENDATION THE CENTENNIAL OBSERVANCE OF PARKER MEMORIAL BAPTIST CHURCH, ANNISTON, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Holmes, the Rules were suspended and the Resolutions, H. J. R.'s 345 and 347, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Manley requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Manley, B. I. R., H. B. 709, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Cabaniss | Figures  | Horn      |
| Amari     | Campbell | Foshee   | Manley    |
| Bailey    | Corbett  | Goodwin  | Preuitt   |
| Barron    | Dial     | Hale     | Rice      |
| Bedford   | Dixon    | Hilliard | Sanders   |
| Bedsole   | Drinkard | Holmes   | Smith (B) |
| Bennett   | Ellis    |          |           |

—25

*Nays:* —0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

H. 709. Relating to Conecuh County; to authorize the Conecuh County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county not to exceed two (2) cents per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Conecuh County Commission to make reasonable rules and regulations for the collection of such taxes; to provide the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Conecuh County Commission for the collection of said taxes; and to provide for an advisory referendum relative to the levying of such taxes and the effectiveness.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Cabaniss | Figures  | Horn      |
| Amari     | Campbell | Foshee   | Manley    |
| Bailey    | Corbett  | Goodwin  | Preuitt   |
| Barron    | Dial     | Hale     | Rice      |
| Bedford   | Dixon    | Hilliard | Sanders   |
| Bedsole   | Drinkard | Holmes   | Smith (B) |
| Bennett   | Ellis    |          |           |

—25

*Nays:* —0

### REPORTS OF COMMITTEES

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Mathis (With Notice and Proof) (With Amendment):

H. 737. Relating to Geneva County; authorizing the Geneva County Commission to levy an additional county privilege, license, or excise tax on

the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; prescribing misdemeanor violations against those who contravene the provisions of this act; and repealing Act No. 85-433, H. 711 Regular Session 1985 (Acts 1985, p. 399) providing for the Geneva County Commission to levy an additional and county, privilege license and excise tax on the sale, distribution, storage, use or consumption of tobacco and certain tobacco products; the collection, enforcement and distribution of the same.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Notice and Proof):

S. 493. Relating to Tuscaloosa County and the Firemen's and Police-men's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, which provides for the adjustment of benefits for sickness or other disabilities, or retirement for disability, so as to provide revised amounts for monthly benefits for temporary disability arising as a result of service in departments or any disability occurring after ten years of service in the departments, and retirement for permanent disability, amend the payments to dependents, clarify the limitations on amount of pension benefits, and to provide certain benefits to individuals who are receiving benefits under Act No. 187, S. 339, 1951 Regular Session.

By Senators Bishop and deGraffenried (With Notice and Proof):

S. 570. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session (Acts 1981, p. 88) as amended by Act No. 85-571, H. 1005, 1985 First Special Session (Acts 1985, p. 875), relating to the compensation and expense allowance for the Sheriff of Tuscaloosa County, so as to further provide for an additional expense allowance and expiration date therefor and the Sheriff's compensation, in the next term of office for Sheriff.

By Senator Bailey:

S. 597. To propose an Amendment to the Constitution of Alabama of 1901 levying a one (1) mill property tax on real property located in Houston County, excluding property located in the City of Dothan; subject to a petition for subsequent elections if submitted every four years by ten percent of the registered voters; and to provide that the net proceeds of such tax, if approved, shall be used only for fire fighting and fire prevention purposes in Houston County outside the city limits of Dothan.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Harvey (With Notice and Proof):

H. 317. Relating to Blount County, to amend Act 85-620 of the 1985 Regular Session, so as to remove the provision that the chairman of the county commission shall be a full time position.

Senator Smith (J), Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Dial:

S. 227. To amend Sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners in Psychology, so as to provide for increases in certain fees charged by the board.

By Senator Bedford:

S. 215. To provide that a trust company or other financial institution with trust powers may, in its fiduciary capacity, purchase bonds or other securities underwritten by the financial institution or by a syndicate which includes the financial institution or an affiliate of the financial institution.

By Senator Bedford:

S. 214. To amend Section 16-13-99, Code of Alabama 1975, to eliminate therefrom the schedule of maximum fees to be paid a paying agent bank for the services performed and expenses incurred in acting as paying agent, and to authorize boards of education to compensate paying agent banks in amounts deemed reasonable by the board of education.

### BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., S. B. 354, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Cabaniss | Foshee   | Langford |
| Amari     | Campbell | Goodwin  | Manley   |
| Bailey    | Corbett  | Hale     | Menton   |
| Barron    | Dial     | Hilliard | Preuitt  |
| Bedsole   | Drinkard | Holmes   | Rice     |
| Bennett   | Ellis    | Horn     | Sanders  |
| Bishop    | Figures  |          |          |

—25

*Nays:* —0

### BILLS ON THIRD READING RESUMED

THE BILL:

S. 354. Relating to Clay County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

was taken up.

Senator Dial offered the following amendment to the Bill, S. B. 354, to-wit:

### AMENDMENT TO S. B. 354

Amend S. 354 by changing the period after the word "taxes" on page 2, line 2, to a semicolon and inserting after such semicolon the following:

"provided, however, nothing in this act shall be construed to change procedures for assessment of property assessed by the department of revenue pursuant to Section 40-21-1 of this Code."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Cabaniss | Foshee   | Langford |     |
| Amari     | Campbell | Goodwin  | Manley   |     |
| Bailey    | Corbett  | Hale     | Menton   |     |
| Barron    | Dial     | Hilliard | Preuitt  |     |
| Bedsole   | Drinkard | Holmes   | Rice     |     |
| Bennett   | Ellis    | Horn     | Sanders  |     |
| Bishop    | Figures  |          |          | —25 |

*Nays:* —0

And said Bill, S. B. 354, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Cabaniss | Foshee   | Langford |     |
| Amari     | Campbell | Goodwin  | Manley   |     |
| Bailey    | Corbett  | Hale     | Menton   |     |
| Barron    | Dial     | Hilliard | Preuitt  |     |
| Bedsole   | Drinkard | Holmes   | Rice     |     |
| Bennett   | Ellis    | Horn     | Sanders  |     |
| Bishop    | Figures  |          |          | —25 |

*Nays:* —0

### BUDGET ISOLATION RESOLUTION

Senator Bennett requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bennett, B. I. R., S. B. 284, adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |     |
|-----------|----------|----------|----------|-----|
| Senators: | Campbell | Foshee   | Langford |     |
| Amari     | Corbett  | Goodwin  | Manley   |     |
| Bailey    | Dial     | Hale     | Menton   |     |
| Barron    | Dixon    | Hilliard | Preuitt  |     |
| Bedford   | Drinkard | Holmes   | Rice     |     |
| Bennett   | Ellis    | Horn     | Sanders  |     |
| Cabaniss  | Figures  |          |          | —25 |

*Nays:* —0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

S. 284. To further amend Sections 18 and 20 of an act designated as Act #248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a countywide civil service system. To provide for appointment of department heads from all qualified candidates unless the appointing authority shall request the three ranking eligibles only.

was taken up.

Senator Amari offered the following amendment to the Bill, S. B. 284, to-wit:

**AMENDMENT TO S. B. 284**

On page 1, line 13, delete the word "all" and insert in lieu thereof the following word: seven

On page 1, line 30, delete the word "all" and insert in lieu thereof the following word: seven

On page 2, line 22, delete the word "all" and insert in lieu thereof the following word: seven

On page 6, line 11, delete the word "all" and insert in lieu thereof the following word: seven

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

|           |          |          |          |
|-----------|----------|----------|----------|
| Senators: | Campbell | Foshee   | Langford |
| Amari     | Corbett  | Goodwin  | Manley   |
| Bailey    | Dial     | Hale     | Menton   |
| Barron    | Dixon    | Hilliard | Preuitt  |
| Bedford   | Drinkard | Holmes   | Rice     |
| Bennett   | Ellis    | Horn     | Sanders  |
| Cabaniss  | Figures  |          |          |

—25

*Nays:* —0

And said Bill, S. B. 284, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 1.

*Yeas:*

|           |          |          |           |
|-----------|----------|----------|-----------|
| Senators: | Corbett  | Goodwin  | Menton    |
| Bailey    | Dial     | Hale     | Preuitt   |
| Barron    | Dixon    | Hilliard | Rice      |
| Bedford   | Drinkard | Holmes   | Sanders   |
| Bennett   | Ellis    | Horn     | Smith (B) |
| Cabaniss  | Figures  | Manley   | Smith (J) |
| Campbell  | Foshee   |          |           |

—25

*Nay:* Senator Amari —1

**BILLS ON THIRD READING RESUMED**

Senator Bishop requested and received permission to suspend the Rules in order to bring up the following Bill:

By Senator Hilliard (With Notice and Proof):

S. 280. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a mayor-council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to provide the method for determining the annual salary to be paid to the mayor of such city.

On motion of Senator Bishop, further consideration of the Bill, S. B. 280, was postponed temporarily.

**FURTHER CONSIDERATION OF H. B. 269, AS AMENDED**

The Senate proceeded to further consideration of the Bill, H. B. 269, as amended. The question was on the amendment No. 2. offered by Senator Corbett.

The question recurred on the amendment offered by Senator Covington, which said amendment was adopted and reconsidered on the Twentieth Legislative Day.

On motion of Senator Covington, said amendment was again adopted by the Senate.

Yeas 19; Nays 0.

*Yeas:*

|           |               |          |          |     |
|-----------|---------------|----------|----------|-----|
| Senators: | Bishop        | Dixon    | Holmes   |     |
| Amari     | Corbett       | Ellis    | Horn     |     |
| Barron    | Covington     | Foshee   | Langford |     |
| Bedsole   | deGraffenried | Hale     | Menton   |     |
| Bennett   | Dial          | Hilliard | Preuitt  | —19 |

*Nays:* —0

Senator Amari offered the following substitute for the Bill, H. B. 269, as amended, to-wit:

**SUBSTITUTE FOR H. B. 269, AS AMENDED****A BILL  
TO BE ENTITLED  
AN ACT**

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1988, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act.

For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1988, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

### SECTION 3.

#### A. STATE AGENCIES:

##### 1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program ..... 1,013

##### SOURCE OF FUNDS:

(1) ASETF - Transfer ..... 1,013

Total Alabama Academy of Honor ..... 1,013 1,013

##### 2. ARTS AND HUMANITIES, ALABAMA STATE COUNCIL ON THE:

(a) Fine Arts Program ..... 1,504,020

Of the above appropriation,  
\$9,690 is hereby appropriated

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|                                                                                                                                                                                             |           | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                                                                             |           | ASETF                                           | Trust<br>Funds |                               |
| to the Alabama Outdoor<br>Drama. The appropriation to<br>the Alabama State Council on<br>the Arts and Humanities shall<br>include a transfer to the State<br>Personnel Department of \$687. |           |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                            |           |                                                 |                |                               |
| (1) ASETF - Transfer .....                                                                                                                                                                  | 969,020   |                                                 |                |                               |
| (2) Federal and Local Funds                                                                                                                                                                 |           |                                                 | 535,000        |                               |
| Total Alabama State Council<br>on the Arts and Humanities ..                                                                                                                                | 969,020   | 535,000                                         |                | 1,504,020                     |
| 3. BUILDING COMMISSION,<br>STATE:                                                                                                                                                           |           |                                                 |                |                               |
| (a) Special Services Program .....                                                                                                                                                          |           |                                                 |                | 450,000                       |
| SOURCE OF FUNDS:                                                                                                                                                                            |           |                                                 |                |                               |
| (1) ASETF - Transfer .....                                                                                                                                                                  | 450,000   |                                                 |                |                               |
| Total State Building<br>Commission .....                                                                                                                                                    | 450,000   |                                                 |                | 450,000                       |
| 4. DATA SYSTEMS<br>MANAGEMENT DIVISION,<br>DEPARTMENT OF FINANCE-:                                                                                                                          |           |                                                 |                |                               |
| (a) Administrative Support Serv-<br>ices Program .....                                                                                                                                      |           |                                                 |                | 7,000,000                     |
| This appropriation is to be ex-<br>pended for capital outlay and<br>operation and maintenance of<br>the supercomputer.                                                                      |           |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                            |           |                                                 |                |                               |
| (1) ASETF .....                                                                                                                                                                             | 7,000,000 |                                                 |                |                               |
| Total Department of Finance -<br>Data Systems Management<br>Division .....                                                                                                                  | 7,000,000 |                                                 |                | 7,000,000                     |
| 5. DEBT SERVICE:                                                                                                                                                                            |           |                                                 |                |                               |
| (a) Debt Service Program .....                                                                                                                                                              |           |                                                 |                | 649,708                       |
| For interest on Endowments as<br>follows:                                                                                                                                                   |           |                                                 |                |                               |
| For interest on University of<br>Montevallo (Alabama College)<br>Endowment,<br>Estimated .....34,964                                                                                        |           |                                                 |                |                               |
| For interest on Auburn Uni-<br>versity Endowment .....20,280                                                                                                                                |           |                                                 |                |                               |

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|                                                                                                                                         |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                         |  | ASETF                                           | Trust<br>Funds |                               |
| For interest on University of<br>Alabama Endowment ..61,000                                                                             |  |                                                 |                |                               |
| For interest on Grove Hill<br>Endowment .....600                                                                                        |  |                                                 |                |                               |
| For interest on Public School<br>Fund Endowment:                                                                                        |  |                                                 |                |                               |
| Interest on 16th Section Lands,<br>Estimated .....410,000                                                                               |  |                                                 |                |                               |
| Interest on School Indemnity<br>Lands, Estimated .....90,000                                                                            |  |                                                 |                |                               |
| Interest on Valueless 16th Sec-<br>tion Lands .....5,825                                                                                |  |                                                 |                |                               |
| Interest on Surplus<br>Revenue .....26,764                                                                                              |  |                                                 |                |                               |
| Interest on James Wallace<br>Fund ..... <u>275</u>                                                                                      |  |                                                 |                |                               |
| Total Interest on Public School<br>Fund Endowment .....532,864                                                                          |  |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                        |  |                                                 |                |                               |
| (1) ASETF .....                                                                                                                         |  | 649,708                                         |                |                               |
| Total Debt Service .....                                                                                                                |  | 649,708                                         |                | 649,708                       |
| 6. DENTAL SCHOLARSHIP<br>AWARDS, BOARD OF:                                                                                              |  |                                                 |                |                               |
| (a) Support of Other Educational<br>Activities Program .....                                                                            |  |                                                 |                | 176,000                       |
| SOURCE OF FUNDS:                                                                                                                        |  |                                                 |                |                               |
| (1) ASETF .....                                                                                                                         |  | 176,000                                         |                |                               |
| Total Board of Dental Schol-<br>arship Awards .....                                                                                     |  | 176,000                                         |                | 176,000                       |
| To be expended under the pro-<br>visions of <u>Code of Alabama</u><br><u>1975</u> , as amended, Sections 16-<br>47-76 through 16-47-81. |  |                                                 |                |                               |
| 7. EDUCATION, DEPARTMENT<br>OF:                                                                                                         |  |                                                 |                |                               |
| (a) Administrative Services<br>Program .....                                                                                            |  |                                                 |                | 11,150,704                    |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                                 |  |                                                 |                |                               |
| Compact for<br>Education .....                                                                                                          |  | 39,000                                          |                |                               |

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|                                                                                                                          |                                                     | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                          |                                                     | ASETF                                           | Trust<br>Funds |                               |
| Operations and Maintenance<br>of Department .....                                                                        |                                                     | 1,774,336                                       |                |                               |
| SOURCE OF FUNDS:                                                                                                         |                                                     |                                                 |                |                               |
| (1) ASETF .....                                                                                                          |                                                     | 1,813,336                                       |                |                               |
| (2) Federal and Local Funds .....                                                                                        |                                                     |                                                 | 9,337,368      |                               |
| Total Administrative Services<br>Program .....                                                                           |                                                     | 1,813,336                                       | 9,337,368      | 11,150,704                    |
| The above appropriation shall<br>include a transfer to the State<br>Personnel Department of<br>\$111,999.                |                                                     |                                                 |                |                               |
| (b)                                                                                                                      | Adult Education Program .....                       |                                                 |                | 4,840,983                     |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                  |                                                     |                                                 |                |                               |
| Adult Basic<br>Education .....                                                                                           |                                                     | 2,323,617                                       |                |                               |
| SOURCE OF FUNDS:                                                                                                         |                                                     |                                                 |                |                               |
| (1) ASETF .....                                                                                                          |                                                     | 2,323,617                                       |                |                               |
| (2) Federal and Local Funds .....                                                                                        |                                                     |                                                 | 2,517,366      |                               |
| Total Adult Education<br>Program .....                                                                                   |                                                     | 2,323,617                                       | 2,517,366      | 4,840,983                     |
| (c)                                                                                                                      | Community Education<br>Program .....                |                                                 |                | 576,828                       |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                  |                                                     |                                                 |                |                               |
| Community<br>Education .....                                                                                             |                                                     | 576,828                                         |                |                               |
| SOURCE OF FUNDS:                                                                                                         |                                                     |                                                 |                |                               |
| (1) ASETF .....                                                                                                          |                                                     | 576,828                                         |                |                               |
| Total Community Education<br>Program .....                                                                               |                                                     | 576,828                                         |                | 576,828                       |
| (d)                                                                                                                      | Direct Client Services for the<br>Handicapped ..... |                                                 |                | 49,829,350                    |
| The ASETF monies included<br>in the above program are to be<br>distributed by the Department<br>of Education as follows: |                                                     |                                                 |                |                               |
| Crippled Children Services<br>Program .....                                                                              |                                                     | 5,620,313                                       |                |                               |

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| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

Of the above appropriation to the Department of Education's Crippled Children Services Program, \$400,000 shall be allocated to United Cerebral Palsy of Alabama.

Handicapped Recreation Program .....193,804

To provide recreation and services at a year-round accredited handicapped recreation facility.

Hemophilia Program ..296,520

Homebound Program ..... 4,000,000

Rehabilitation Services Program ..... 7,073,843

Of the above appropriation to Rehabilitation Services Program, \$250,000 shall be used for the Deaf Support Service Program.

SOURCE OF FUNDS:

|                                                        |            |            |            |
|--------------------------------------------------------|------------|------------|------------|
| (1) ASETF .....                                        | 17,184,480 |            |            |
| (2) Federal and Local Funds .....                      |            | 32,644,870 |            |
| Total Direct Client Services for the Handicapped ..... | 17,184,480 | 32,644,870 | 49,829,350 |

(e) Emergency Medical Services Education Program ..... 1,600,571

The ASETF monies included in the above program are to be distributed by the Department of Education as follows:

- (1) Birmingham Regional Emergency Medical System .....266,762
- (2) East Alabama Emergency Medical Services, Inc. ....266,762
- (3) North Alabama Emergency Medical Services, Inc. ....266,762
- (4) Southeast Alabama Emergency Medical Services System, Inc. ....266,762

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|                                                                                                                                                                                                                                                                 |                                                                            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                 |                                                                            | ASETF                                           | Trust<br>Funds |                        |
| (5)                                                                                                                                                                                                                                                             | Southwest Alabama<br>Emergency Medical Serv-<br>ices Council,<br>Inc. .... | 266,762                                         |                |                        |
| (6)                                                                                                                                                                                                                                                             | West Alabama Emergency<br>Medical Services,<br>Inc. ....                   | 266,761                                         |                |                        |
| The amounts herein appropri-<br>ated shall be used for the op-<br>eration and maintenance of the<br>various medical services pro-<br>grams named and for the pur-<br>chase of instructional supplies<br>and new instructional equip-<br>ment for such programs. |                                                                            |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                |                                                                            |                                                 |                |                        |
| (1)                                                                                                                                                                                                                                                             | ASETF .....                                                                | 1,600,571                                       |                |                        |
|                                                                                                                                                                                                                                                                 | Total Emergency Medical<br>Services Education Program ..                   | 1,600,571                                       |                | 1,600,571              |
| (f)                                                                                                                                                                                                                                                             | Financial Assistance<br>Program .....                                      |                                                 |                | 235,352,376            |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                                                                                                                                                         |                                                                            |                                                 |                |                        |
|                                                                                                                                                                                                                                                                 | Elementary Teachers<br>Scholarships .....                                  | 23,760                                          |                |                        |
| To be paid in accordance with<br><u>Code of Alabama 1975</u> , as<br>amended, Section 16-23-17.                                                                                                                                                                 |                                                                            |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                |                                                                            |                                                 |                |                        |
| (1)                                                                                                                                                                                                                                                             | ASETF .....                                                                | 23,760                                          |                |                        |
| (2)                                                                                                                                                                                                                                                             | Federal and Local Funds                                                    | 235,328,616                                     |                |                        |
|                                                                                                                                                                                                                                                                 | Total Financial Assistance<br>Program .....                                | 23,760                                          | 235,328,616    | 235,352,376            |
| (g)                                                                                                                                                                                                                                                             | Instructional Technical Assis-<br>tance Program .....                      |                                                 |                | 9,742,744              |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                                                                                                                                                         |                                                                            |                                                 |                |                        |
|                                                                                                                                                                                                                                                                 | Basic Skills Program ..                                                    | 949,215                                         |                |                        |
|                                                                                                                                                                                                                                                                 | Early Childhood Education<br>Administration .....                          | 97,998                                          |                |                        |



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| Fund Sources Included<br>In Appropriation Total                                              |            |                |                               |
|----------------------------------------------------------------------------------------------|------------|----------------|-------------------------------|
|                                                                                              | ASETF      | Trust<br>Funds | Appropriation<br><u>Total</u> |
| Instructional Technical Assistance .....                                                     | 1,283,181  |                |                               |
| Special Education Administration .....                                                       | 400,902    |                |                               |
| Vocational Education Administration .....                                                    | 811,153    |                |                               |
| SOURCE OF FUNDS:                                                                             |            |                |                               |
| (1) ASETF .....                                                                              | 3,542,449  |                |                               |
| (2) Federal and Local Funds                                                                  |            | 6,200,295      |                               |
| Total Instructional Technical Assistance Program .....                                       | 3,542,449  | 6,200,295      | 9,742,744                     |
| (h) Local Agency Support Program .....                                                       |            |                | 17,715,981                    |
| The proposed spending plan for the ASETF monies included in the above program is as follows: |            |                |                               |
| Advanced Placement ..                                                                        | 468,891    |                |                               |
| Career Incentive Program .....                                                               | 468,891    |                |                               |
| Driver Education, School Bus Driver Training and Vehicle Safety Inspection .....             | 249,450    |                |                               |
| Free Textbooks .....                                                                         | 12,306,151 |                |                               |
| Guidance and Counseling .....                                                                | 150,000    |                |                               |
| Operations and Maintenance .....                                                             | 448,953    |                |                               |
| School Attendance .....                                                                      | 76,204     |                |                               |
| School Facilities and Architectural Services .....                                           | 196,934    |                |                               |
| Testing .....                                                                                | 1,209,464  |                |                               |
| SOURCE OF FUNDS:                                                                             |            |                |                               |
| (1) ASETF .....                                                                              | 15,574,938 |                |                               |
| (2) Federal and Local Funds                                                                  |            | 2,141,043      |                               |
| Total Local Agency Support Program .....                                                     | 15,574,938 | 2,141,043      | 17,715,981                    |
| (i) Regulation Program .....                                                                 |            |                | 1,954,922                     |
| The proposed spending plan for the ASETF monies included in the above program is as follows: |            |                |                               |

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|                                                                                                                                                                                                                                                                                                                              |         | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                                                                              |         | ASETF                                           | Trust<br>Funds |                        |
| Operations and<br>Maintenance .....                                                                                                                                                                                                                                                                                          | 306,027 |                                                 |                |                        |
| Teacher Certification and<br>Accreditation .....                                                                                                                                                                                                                                                                             | 385,851 |                                                 |                |                        |
| Undergraduate/Graduate Pro-<br>gram Approval .....                                                                                                                                                                                                                                                                           | 251,232 |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                             |         |                                                 |                |                        |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                              |         | 943,110                                         |                |                        |
| (2) Federal and Local Funds .....                                                                                                                                                                                                                                                                                            |         |                                                 | 1,011,812      |                        |
| Total Regulation Program .....                                                                                                                                                                                                                                                                                               |         | 943,110                                         | 1,011,812      | 1,954,922              |
| (j) Support of Other Educational<br>Activities Program .....                                                                                                                                                                                                                                                                 |         |                                                 |                | 8,839                  |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is as fol-<br>lows:                                                                                                                                                                                                                      |         |                                                 |                |                        |
| Education of Dependents of<br>Blind Parents .....                                                                                                                                                                                                                                                                            | 8,839   |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                             |         |                                                 |                |                        |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                              |         | 8,839                                           |                |                        |
| Total Support of Other Edu-<br>cational Activities Program ....                                                                                                                                                                                                                                                              |         | 8,839                                           |                | 8,839                  |
| For reimbursement of every<br>state institution of higher<br>learning, college, university, or<br>technical college or junior col-<br>lege in which benefits are given<br>to dependents of blind parents<br>under the provisions of <u>Code<br/>of Alabama 1975, as amended,<br/>Sections 16-33-1 through 16-<br/>33-12.</u> |         |                                                 |                |                        |
| (k) Support of State Universities<br>Program .....                                                                                                                                                                                                                                                                           |         |                                                 |                | 50,000                 |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                             |         |                                                 |                |                        |
| (1) Federal and Local Funds .....                                                                                                                                                                                                                                                                                            |         |                                                 | 50,000         |                        |
| Total Support of State Uni-<br>versities Program .....                                                                                                                                                                                                                                                                       |         |                                                 | 50,000         | 50,000                 |
| (l) Projects-Vocational Rehabili-<br>tation/Crippled Children Serv-<br>ices Program .....                                                                                                                                                                                                                                    |         |                                                 |                | 1,300,624              |
| The ASETF monies included<br>in the above program are to be                                                                                                                                                                                                                                                                  |         |                                                 |                |                        |

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|                                                                                           |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|-------------------------------|
|                                                                                           |  | ASETF                                           | Trust<br>Funds |                               |
| distributed by the Department<br>of Education as follows:                                 |  |                                                 |                |                               |
| Eye Injury Register .....19,380                                                           |  |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                          |  |                                                 |                |                               |
| (1) ASETF .....                                                                           |  | 19,380                                          |                |                               |
| (2) Federal and Local Funds                                                               |  |                                                 | 1,281,244      |                               |
| Total Projects-Vocational Re-<br>habilitation/Crippled Children<br>Services Program ..... |  | 19,380                                          | 1,281,244      | 1,300,624                     |
| (m) Disability Determination for<br>Social Security Program ..... 20,654,654              |  |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                          |  |                                                 |                |                               |
| (1) Federal and Local Funds                                                               |  |                                                 | 20,654,654     |                               |
| Total Disability Determina-<br>tion for Social Security<br>Program .....                  |  |                                                 | 20,654,654     | 20,654,654                    |
| TOTAL DEPARTMENT OF<br>EDUCATION:                                                         |  |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                          |  |                                                 |                |                               |
| (1) ASETF .....                                                                           |  | 43,611,308                                      |                |                               |
| (2) Federal and Local Funds                                                               |  |                                                 | 311,167,268    |                               |
| GRAND TOTAL DEPART-<br>MENT OF EDUCATION .....                                            |  | 43,611,308                                      | 311,167,268    | 354,778,576                   |
| EDUCATION, STATE BOARD<br>OF - MINIMUM PROGRAM<br>AND PUBLIC SCHOOL FUND:                 |  |                                                 |                |                               |
| (a) Financial Assistance<br>Program ..... 607,016,396                                     |  |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                          |  |                                                 |                |                               |
| (1) ASETF .....                                                                           |  | 561,339,911                                     |                |                               |
| (2) Public School Fund .....                                                              |  |                                                 | 41,000,000     |                               |
| (3) Local Funds .....                                                                     |  |                                                 | 4,676,485      |                               |
| Total Minimum Program,<br>Public School Fund and Local<br>Funds .....                     |  | 561,339,911                                     | 45,676,485     | 607,016,396                   |

The above appropriation shall  
be paid in accordance with  
Code of Alabama 1975, as  
amended, Sections 16-13-50  
through 16-13-59, and all other  
legislation pertaining thereto.

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| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

The appropriation hereinabove set out for the fiscal year 1987-88 is based on 22,640 teacher units. It is provided in the event that there are more than 22,640 earned teacher units for the fiscal year 1987-88, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$41,000,000 available from the Public School Fund for the fiscal year 1987-88, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the total shall not exceed the sum of \$473,533,768. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| Rank | Salary Allotment | Number of TU     | Total                 |
|------|------------------|------------------|-----------------------|
| AA   | \$ 22,812        | 3,289.59         | \$ 75,042,127         |
| I    | 21,359           | 13,986.99        | 298,748,119           |
| II   | 18,597           | 5,363.42         | 99,743,522            |
| III  | 15,658           | 0.00             | 0                     |
| IV   | 13,598           | 0.00             | 0                     |
|      |                  | <u>22,640.00</u> | <u>\$ 473,533,768</u> |

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,264,000.

For "Other Current Expense" an amount not to exceed \$3,520.32 for each earned teacher unit but the total shall not exceed the sum of \$79,700,045. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,324,440.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$50,044,143.

9. EDUCATION, STATE BOARD  
OF - LOCAL BOARDS:

(a) Financial Assistance  
Program ..... 442,264,438

SOURCE OF FUNDS:

(1) ASETF ..... 442,264,438

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|                                                     | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                     | ASETF                                           | Trust<br>Funds |                               |
| Total State Board of Education - Local Boards ..... | 442,264,438                                     |                | 442,264,438                   |

To be distributed by the State Board of Education for:

(1) Teachers' Sick

Leave ..... 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1985-86 fiscal year be continued at that rate through the 1987-88 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick

Leave ..... 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal

Leave ..... 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements

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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                                      |                |  | Appropriation<br><u>Total</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|-------------------------------|
| ASETF                                                                                                                                                                                                                                                                                                                                | Trust<br>Funds |  |                               |
| <p>paid by each school system for teachers' personal leave for the 1985-86 fiscal year be continued at that rate through the 1987-88 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.</p>                                                       |                |  |                               |
| <p>(4) Support Personnel Personal Leave .....537,561</p> <p>The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of <u>Code of Alabama 1975</u>, as amended, <u>Section 16-8-26.1</u>, provides for two (2) days personal leave at the rate of not more than \$17 per day.</p> |                |  |                               |
| <p>(5) Funds to Replace Fees ..... 10,867,572</p> <p>Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated an amount not to exceed two hundred fifty dollars (\$250) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers).</p>                   |                |  |                               |
| <p>(6) Maintenance ..... 5,519,308</p>                                                                                                                                                                                                                                                                                               |                |  |                               |
| <p>(7) Continuation of Funds Previously Granted for Special Education ..... 23,089,161</p>                                                                                                                                                                                                                                           |                |  |                               |
| <p>(8) Special Schools for Special Education ..... 3,610,000</p> <p>To be distributed by the State Board of Education as follows:<br/>\$500,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders;</p>                                                                                       |                |  |                               |

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Fund Sources Included  
In Appropriation Total

| ASETF | Trust<br>Funds | Appropriation<br><u>Total</u> |
|-------|----------------|-------------------------------|
|-------|----------------|-------------------------------|

\$500,000 shall be allocated to the Tuscaloosa Regional Handicapped School, a portion of which shall be used to relocate the county school bus shop; \$50,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$450,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$275,000 shall be allocated to the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$75,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$75,000 shall be allocated to the Alice Pigman School; \$75,000 shall be allocated to the Montgomery County

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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |  | Appropriation<br><u>Total</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|-------------------------------|
| ASETF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Trust<br>Funds |  |                               |
| <p>Board of Education for the purpose of establishing a pilot program for deaf students in public schools; \$400,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$100,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$50,000 shall be allocated to the Geneva County Day Care and Training Center; \$50,000 shall be allocated to McGraw Activity Center; \$150,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$30,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$100,000 shall be allocated to Cullman City Special Education Program; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$50,000 shall be allocated to the Dallas County Day Care and Training Center; \$50,000 shall be allocated to Calhoun County Community-"EDUCATION PAR EXCELLENCE"; \$25,000 shall be allocated to the North Talladega County Association for Retarded Citizens, Inc.; \$25,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$15,000 shall be allocated to the ECHO FOUNDATION; \$100,000 shall be allocated to the Alan Cott School; \$17,000 shall be allocated to the</p> |                |  |                               |



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| Fund Sources Included<br>In Appropriation Total                                                                                                                                                              |                | Appropriation<br><u>Total</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------|
| ASETF                                                                                                                                                                                                        | Trust<br>Funds |                               |
| Tannehill Learning Center; \$145,000 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purposes of <u>Code of Alabama 1975, as amended, Sections 16-39-3, and P.L. 94-142.</u> |                |                               |

- (9) Kindergarten Teacher  
Units ..... 60,446,488

The above appropriation is for 2,561 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$51,281,129. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u>      |
|-------------|-------------------------|---------------------|-------------------|
| AA          | \$ 22,812               | 128.56              | \$ 2,932,711      |
| I           | 21,359                  | 1,126.84            | 24,068,175        |
| II          | 18,597                  | <u>1,305.60</u>     | <u>24,280,243</u> |
|             |                         | 2,561.00            | \$ 51,281,129     |

For "Other Current Expense" an amount not to exceed \$3,520.32 for each earned teacher unit but the total shall not exceed the sum of \$9,015,540. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$149,819.

Of the above appropriation for Kindergarten Teacher Units, nine (9) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of twenty (20) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 2,561 teacher units are earned for the fiscal year 1987-88, then such amount shall not be allotted or paid. In the event more than 2,561 teacher units are earned for the fiscal year 1987-88, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (10) Continuation of Teacher  
Units to reduce pupil-  
teacher ratio in grades  
1-6 ..... 15,543,872

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| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,217,639. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u>  |
|-------------|-------------------------|---------------------|---------------|
| AA          | \$ 22,812               | 93.02               | \$ 2,121,972  |
| I           | 21,359                  | 267.02              | 5,703,280     |
| II          | 18,597                  | 289.96              | 5,392,387     |
|             |                         | 650.00              | \$ 13,217,639 |

For "Other Current Expense" an amount not to exceed \$3,520.32 for each earned teacher unit but the total shall not exceed the sum of \$2,288,208. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$38,025.

(11) Teacher Units to Reduce  
Pupil-Teacher Ratio in  
Grade 1 ..... 2,630,569

The above appropriation is for 110 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$2,236,899. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u> |
|-------------|-------------------------|---------------------|--------------|
| AA          | \$ 22,812               | 15.75               | \$ 359,289   |
| I           | 21,359                  | 45.20               | 965,427      |
| II          | 18,597                  | 49.05               | 912,183      |
|             |                         | 110.00              | \$ 2,236,899 |

For "Other Current Expense" an amount not to exceed \$3,520.32 for each earned teacher unit but the total shall not exceed the sum of \$387,235. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

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| Fund Sources Included<br>In Appropriation Total |                |                        |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br>Total |

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$6,435.

(12) Supportive Teacher  
Units ..... 42,120,458

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (9) and Continuation Teacher Units in (10). The above appropriation is for 1,724 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$35,950,572. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| Rank | Salary Allotment | Number of TU | Total         |
|------|------------------|--------------|---------------|
| AA   | \$ 22,812        | 300.84       | \$ 6,862,762  |
| I    | 21,359           | 949.06       | 20,270,972    |
| II   | 18,597           | 474.10       | 8,816,838     |
|      |                  | 1,724.00     | \$ 35,950,572 |

For "Other Current Expense" an amount not to exceed \$3,520.32 for each earned teacher unit but the total shall not exceed the sum of \$6,069,032. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$100,854.

(13) Special Education  
Teacher  
Units ..... 86,564,541

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$73,275,471. The State Board of Education shall have the discretion to redistribute the number of teacher

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| Fund Sources Included<br>In Appropriation Total |                |                        |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br>Total |

units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u>  |
|-------------|-------------------------|---------------------|---------------|
| AA          | \$ 22,812               | 288.05              | \$ 6,570,997  |
| I           | 21,359                  | 2,524.20            | 53,914,387    |
| II          | 18,597                  | 687.75              | 12,790,087    |
|             |                         | 3,500.00            | \$ 73,275,471 |

For "Other Current Expense" an amount not to exceed \$3,520.32 for each earned teacher unit but the total shall not exceed the sum of \$12,321,120. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200.

(14) Driver Education Teacher  
Units ..... 7,080,100

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,042,242. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

| <u>Rank</u> | <u>Salary Allotment</u> | <u>Number of TU</u> | <u>Total</u> |
|-------------|-------------------------|---------------------|--------------|
| AA          | \$ 22,812               | 19.00               | \$ 433,428   |
| I           | 21,359                  | 206.02              | 4,400,381    |
| II          | 18,597                  | 64.98               | 1,208,433    |
|             |                         | 290.00              | \$ 6,042,242 |

For "Other Current Expense" an amount not to exceed \$3,520.32 for each earned teacher unit but the total shall not exceed the sum of \$1,020,893. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(15) Vocational  
Education ..... 74,233,095

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| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-------------------------------------------------|----------------|-------------------------------|
| ASETF                                           | Trust<br>Funds |                               |

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education.

- (16) Teachers' Free  
Time ..... 3,500,000

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty minutes of time free from instructional or supervisory responsibilities each teaching day.

- (17) Career Ladder Salary Increases for Tenured Teachers (Estimated) ..... 67,065,303

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

- (18) Support Personnel Salary Increase (Estimated) ..... 25,129,090

To be distributed by the State Board of Education to the boards of all school districts to continue those

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In Appropriation Total

| ASETF | Trust<br>Funds | Appropriation<br><u>Total</u> |
|-------|----------------|-------------------------------|
|-------|----------------|-------------------------------|

salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

- (19) Library Enhancement  
(K-12) ..... 3,236,803

To be distributed based upon a procedure to be determined by the State Board of Education.

- (20) Career Incentive  
Program ..... 3,900,000

To be distributed by the State Board of Education to all local boards of education for Career Incentive Program coordinators with selection to be approved by the State Superintendent of Education.

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|                                                              | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|--------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                              | ASETF                                           | Trust<br>Funds |                        |
| 10. EDUCATION, STATE BOARD<br>OF - JUNIOR COLLEGE<br>SYSTEM: |                                                 |                |                        |
| (a) Operations and Maintenance                               | 57,838,418                                      | 22,370,243     | 80,208,661             |
| (b) High Technology Equipment                                | 190,076                                         |                | 190,076                |
| (c) Library Enhancement .....                                | 221,245                                         |                | 221,245                |
| (d) Auxiliary Enterprises .....                              |                                                 | 7,213,827      | 7,213,827              |
| (e) Restricted Funds .....                                   |                                                 | 20,167,870     | 20,167,870             |

SOURCE OF FUNDS:

|                                                                |            |            |             |
|----------------------------------------------------------------|------------|------------|-------------|
| (1) ASETF .....                                                | 58,249,739 |            |             |
| (2) Other Funds .....                                          |            | 49,751,940 |             |
| Total State Board of Educa-<br>tion - Junior College System .. | 58,249,739 | 49,751,940 | 108,001,679 |

- (1) The Operations and Maintenance appropriation above of \$57,838,418 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

- (a) Junior colleges with credit-producing programs in Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$166,529.

- (b) The remainder of the appropriation is to be allotted to each junior college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:
- (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.

- (2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1b) on a

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| Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds |                        |

needs basis as determined by the Chancellor of the Postsecondary Education System.

- (3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1b) on a fall quarter 1987-88 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

11. EDUCATION, STATE BOARD  
OF - TECHNICAL COLLEGE  
SYSTEM:

|                                 |            |            |            |
|---------------------------------|------------|------------|------------|
| (a) Operations and Maintenance  | 47,327,314 | 17,343,529 | 64,670,843 |
| (b) High Technology Equipment   | 190,076    |            | 190,076    |
| (c) Library Enhancement .....   | 114,509    |            | 114,509    |
| (d) Auxiliary Enterprises ..... |            | 5,493,635  | 5,493,635  |
| (e) Restricted Funds .....      |            | 11,841,471 | 11,841,471 |

SOURCE OF FUNDS:

|                       |            |            |
|-----------------------|------------|------------|
| (1) ASETF .....       | 47,631,899 |            |
| (2) Other Funds ..... |            | 34,678,635 |

Total State Board of Educa-  
tion - Technical College

|              |            |            |            |
|--------------|------------|------------|------------|
| System ..... | 47,631,899 | 34,678,635 | 82,310,534 |
|--------------|------------|------------|------------|

- (1) The Operations and Maintenance appropriation above of \$47,327,314 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows:

- (a) Technical Colleges with programs generating contact hours at Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$480,625.
- (b) The remainder of the appropriation is to be allotted to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

- (1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) John C. Calhoun State Community College-Technical Division; (6) Carver State Technical College; (7) J.F. Drake State Technical College; (8) Gadsden State Community College-Technical Division; (9) Richmond P. Hobson State Technical



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Fund Sources Included  
In Appropriation Total

| ASETF | Trust<br>Funds | Appropriation<br>Total |
|-------|----------------|------------------------|
|-------|----------------|------------------------|

College; (10) J.F. Ingram State Technical College; (11) Theodore A. Lawson State Community College-Technical Division; (12) Douglas McArthur State Technical College; (13) Muscle Shoals State Technical College; (14) Northwest Alabama State Technical College; (15) N.F. Nunnelley State Technical College; (16) Opelika State Technical College; (17) John M. Patterson State Technical College; (18) Ed E. Reid State Technical College; (19) Shelton State Technical College; (20) Southwest State Technical College; (21) Chauncey Sparks State Technical College; (22) Council Trenholm State Technical College; (23) C.A. Fredd State Technical College; (24) Walker State Technical College; (25) George C. Wallace State Community College-Technical Division (Selma); (26) George C. Wallace State Community College-Technical Division (Dothan); (27) George C. Wallace State Community College-Technical Division (Hanceville).

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a fall quarter 1987-88 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

**12. EXAMINERS OF PUBLIC ACCOUNTS:**

(a) Legislative Support - Audit Services Program ..... 4,037,924

For purposes of auditing all phases of public education.

**SOURCE OF FUNDS:**

(1) ASETF - Transfer ..... 4,037,924

Total Examiners of Public Accounts ..... 4,037,924 4,037,924

**13. FINE ARTS, ALABAMA SCHOOL OF:**

(a) Fine Arts Program ..... 1,115,271

**SOURCE OF FUNDS:**

(1) ASETF ..... 847,892  
(2) Federal and Local Funds ..... 267,379

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|                                                                                                                                                                  |                                                                               | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                  |                                                                               | ASETF                                           | Trust<br>Funds |                        |
| Total Alabama School of Fine Arts .....                                                                                                                          |                                                                               | 847,892                                         | 267,379        | 1,115,271              |
| 14.                                                                                                                                                              | FIRE COLLEGE, ALABAMA<br>STATE - SHELTON STATE<br>COMMUNITY COLLEGE:          |                                                 |                |                        |
| (a)                                                                                                                                                              | Operations and Maintenance .....                                              | 466,847                                         | 167,184        | 634,031                |
| (b)                                                                                                                                                              | Auxiliary Enterprises .....                                                   |                                                 | 211,686        | 211,686                |
| (c)                                                                                                                                                              | Restricted Funds .....                                                        |                                                 | 308,182        | 308,182                |
| SOURCE OF FUNDS:                                                                                                                                                 |                                                                               |                                                 |                |                        |
| (1)                                                                                                                                                              | ASETF .....                                                                   | 466,847                                         |                |                        |
| (2)                                                                                                                                                              | Other Funds .....                                                             |                                                 | 687,052        |                        |
| Total Alabama State Fire College - Shelton State Community College .....                                                                                         |                                                                               | 466,847                                         | 687,052        | 1,153,899              |
| 15.                                                                                                                                                              | FIREFIGHTERS' PERSONNEL<br>STANDARDS AND<br>EDUCATION COMMISSION,<br>ALABAMA: |                                                 |                |                        |
| (a)                                                                                                                                                              | Professional and Occupational<br>Licensing and Regulation<br>Program .....    |                                                 |                | 149,229                |
| The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$243. |                                                                               |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                 |                                                                               |                                                 |                |                        |
| (1)                                                                                                                                                              | ASETF - Transfer .....                                                        | 149,229                                         |                |                        |
| Total Alabama Firefighters' Personnel Standards and Education Commission .....                                                                                   |                                                                               | 149,229                                         |                | 149,229                |
| 16.                                                                                                                                                              | GOVERNOR'S EDUCATION<br>PROGRAM, STATE BOARD OF<br>EDUCATION:                 |                                                 |                |                        |
| (a)                                                                                                                                                              | Financial Assistance<br>Program .....                                         |                                                 |                | 2,000,000              |
| For the continuation of the program of in-service educational centers established by Act 84-622.                                                                 |                                                                               |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                 |                                                                               |                                                 |                |                        |
| (1)                                                                                                                                                              | ASETF .....                                                                   | 2,000,000                                       |                |                        |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | ASETF                                           | Trust<br>Funds |                               |
| Total State Board of Educa-<br>tion - Governor's Education<br>Program .....                                                                                                                                                                                                                                                                                                                                                      |  | 2,000,000                                       |                | 2,000,000                     |
| 17. HEALTH, DEPARTMENT OF<br>PUBLIC:                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                 |                |                               |
| (a) Health Support Services<br>Program .....                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                 |                | 2,515,469                     |
| Of the above appropriation,<br>\$302,130 shall be expended for<br>the continuation of the pro-<br>grams in Public School Food<br>Sanitation.                                                                                                                                                                                                                                                                                     |  |                                                 |                |                               |
| (b) Personal Health Improvement<br>Program .....                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                 |                | 4,024,920                     |
| Of the above appropriation,<br>\$2,024,920 shall be expended<br>for continuation of the pro-<br>grams for immunization of pre-<br>school children and students,<br>dental health and nursing serv-<br>ices.                                                                                                                                                                                                                      |  |                                                 |                |                               |
| Of the above appropriation,<br>\$2,000,000 shall be expended<br>for the continuation of a peri-<br>natal program whose expendi-<br>ture guidelines shall be<br>developed in conjunction with<br>the Perinatal Advisory Com-<br>mittee of the State Committee<br>on Public Health. Such guide-<br>lines shall be comprehensive<br>enough to serve as a statewide<br>perinatal plan in meeting fed-<br>eral matching requirements. |  |                                                 |                |                               |
| (c) Administrative Services<br>Program .....                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                 |                | 699,863                       |
| The above appropriation shall<br>be expended for the continua-<br>tion of the program in Primary<br>Preventive Health Education.                                                                                                                                                                                                                                                                                                 |  |                                                 |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                 |                |                               |
| (1) ASETF - Transfer .....                                                                                                                                                                                                                                                                                                                                                                                                       |  | 7,240,252                                       |                |                               |
| Total Department of Public<br>Health .....                                                                                                                                                                                                                                                                                                                                                                                       |  | 7,240,252                                       |                | 7,240,252                     |

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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ASETF                                           | Trust<br>Funds |                        |
| 18. | HEALTH INSURANCE<br>BOARD, PUBLIC EDUCATION<br>EMPLOYEES':                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                 |                |                        |
|     | (a) Administrative Support Serv-<br>ices Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                 |                | 72,489,600             |
|     | The above appropriation of \$72,489,600 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. |                                                 |                |                        |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 72,489,600                                      |                |                        |
|     | Total Public Education Em-<br>ployees' Health Insurance<br>Board .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 72,489,600                                      |                | 72,489,600             |
| 19. | HEALTH INSURANCE, STATE<br>EMPLOYEES':                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                 |                |                        |
|     | (a) Employee Benefits Program,<br>Estimated .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                 |                | 2,590,080              |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2,590,080                                       |                |                        |
|     | Total State Employees' Health<br>Insurance, Estimated .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 2,590,080                                       |                | 2,590,080              |
| 20. | HIGHER EDUCATION,<br>ALABAMA COMMISSION ON:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                 |                |                        |
|     | (a) Planning and Coordination<br>Services Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                 |                | 1,395,457              |
|     | The proposed spending plan for the ASETF monies included in                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                 |                |                        |

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| Fund Sources Included<br>In Appropriation Total                                                                                                       |           |                |                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------|-------------------------------|
|                                                                                                                                                       | ASETF     | Trust<br>Funds | Appropriation<br><u>Total</u> |
| the above program is as fol-<br>lows:                                                                                                                 |           |                |                               |
| Operations and<br>Maintenance .....                                                                                                                   | 953,681   |                |                               |
| Program Evaluation ...                                                                                                                                | 200,037   |                |                               |
| SOURCE OF FUNDS:                                                                                                                                      |           |                |                               |
| (1) ASETF .....                                                                                                                                       | 1,153,718 |                |                               |
| (2) Federal and Local Funds                                                                                                                           |           | 241,739        |                               |
| <hr/>                                                                                                                                                 |           |                |                               |
| Total Planning and Coordina-<br>tion Services Program (Total<br>Operations) .....                                                                     | 1,153,718 | 241,739        | 1,395,457                     |
| <hr/>                                                                                                                                                 |           |                |                               |
| (b) Student Financial Aid<br>Program .....                                                                                                            |           |                | 29,458,919                    |
| The proposed spending plan for<br>the ASETF monies included in<br>the above program is to be dis-<br>tributed through ACHE as fol-<br>lows:           |           |                |                               |
| (1) Alabama Student Grant<br>Program .....                                                                                                            | 3,016,828 |                |                               |
| To be expended in accord-<br>ance with <u>Code of Ala-</u><br><u>bama 1975</u> , as amended,<br><u>Sections 16-33A-1 through</u><br><u>16-33A-11.</u> |           |                |                               |
| (2) Alabama National Guard<br>Educational<br>Assistance .....                                                                                         | 200,000   |                |                               |
| To be expended in accord-<br>ance with <u>Code of Ala-</u><br><u>bama 1975</u> , as amended,<br><u>Sections 31-10-1 through</u><br><u>31-10-4.</u>    |           |                |                               |
| (3) Emergency Secondary Ed-<br>ucation<br>Scholarships .....                                                                                          | 1,044,083 |                |                               |
| To be expended in accord-<br>ance with <u>Code of Ala-</u><br><u>bama 1975</u> , as amended,<br><u>Sections 16-23-18 through</u><br><u>16-23-23.</u>  |           |                |                               |
| (4) Chiropractic<br>Scholarships .....                                                                                                                | 47,519    |                |                               |
| To be expended under the<br>provisions of <u>Code of Ala-</u><br><u>bama 1975</u> , as amended,<br><u>Section 16-5-11.</u>                            |           |                |                               |

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|                                                                                                                             |                                                       | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                                                                             |                                                       | ASETF                                           | Trust<br>Funds |                        |
| (5) Alabama Student Assistance Program .. 1,998,524                                                                         |                                                       |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                            |                                                       |                                                 |                |                        |
| (1) ASETF .....                                                                                                             |                                                       | 6,306,954                                       |                |                        |
| (2) Federal and Local Funds                                                                                                 |                                                       |                                                 | 23,151,965     |                        |
| Total Student Financial Aid Program .....                                                                                   |                                                       | 6,306,954                                       | 23,151,965     | 29,458,919             |
| (c)                                                                                                                         | Support of Other Educational Activities Program ..... |                                                 |                | 2,926,146              |
| The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows: |                                                       |                                                 |                |                        |
| (1) Network of Alabama Academic Libraries (NAAL) .....                                                                      |                                                       | 580,342                                         |                |                        |
| (2) Southern Regional Education Board (SREB) .....                                                                          |                                                       | 345,804                                         |                |                        |
| (3) EPSCoR-National Science Foundation Program .....                                                                        |                                                       | 2,000,000                                       |                |                        |
| SOURCE OF FUNDS:                                                                                                            |                                                       |                                                 |                |                        |
| (1) ASETF .....                                                                                                             |                                                       | 2,926,146                                       |                |                        |
| Total Support of Other Educational Activities Program ....                                                                  |                                                       | 2,926,146                                       |                | 2,926,146              |
| (d)                                                                                                                         | Eminent Scholars Program ....                         |                                                 |                | 1,000,000              |
| SOURCE OF FUNDS:                                                                                                            |                                                       |                                                 |                |                        |
| (1) ASETF .....                                                                                                             |                                                       | 1,000,000                                       |                |                        |
| Total Eminent Scholars Program .....                                                                                        |                                                       | 1,000,000                                       |                | 1,000,000              |
| TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION:                                                                               |                                                       |                                                 |                |                        |
| SOURCE OF FUNDS:                                                                                                            |                                                       |                                                 |                |                        |
| (1) ASETF .....                                                                                                             |                                                       | 11,386,818                                      |                |                        |
| (2) Federal and Local Funds                                                                                                 |                                                       |                                                 | 23,393,704     |                        |
| Grand Total Alabama Commission on Higher Education                                                                          |                                                       | 11,386,818                                      | 23,393,704     | 34,780,522             |

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|     |                                                                                                                                                         | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|     |                                                                                                                                                         | ASETF                                           | Trust<br>Funds |                        |
| 21. | INDUSTRIAL<br>DEVELOPMENT TRAINING<br>INSTITUTE, ALABAMA:                                                                                               |                                                 |                |                        |
| (a) | Industrial Training Program ..                                                                                                                          |                                                 |                | 1,712,258              |
|     | SOURCE OF FUNDS:                                                                                                                                        |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                         | 1,712,258                                       |                |                        |
|     | Total Alabama Industrial De-<br>velopment Training Institute                                                                                            | 1,712,258                                       |                | 1,712,258              |
| 22. | LAW INSTITUTE, ALABAMA:                                                                                                                                 |                                                 |                |                        |
| (a) | Support of Other Educational<br>Activities Program .....                                                                                                |                                                 |                | 268,622                |
|     | SOURCE OF FUNDS:                                                                                                                                        |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                         | 268,622                                         |                |                        |
|     | Total Alabama Law Institute                                                                                                                             | 268,622                                         |                | 268,622                |
| 23. | LEGISLATURE:                                                                                                                                            |                                                 |                |                        |
| (a) | Legislative Operations and<br>Support Program .....                                                                                                     |                                                 |                | 4,510,000              |
|     | SOURCE OF FUNDS:                                                                                                                                        |                                                 |                |                        |
|     | (1) ASETF - Transfer .....                                                                                                                              | 4,510,000                                       |                |                        |
|     | Total Legislature .....                                                                                                                                 | 4,510,000                                       |                | 4,510,000              |
|     | The above appropriation shall<br>be expended under the provi-<br>sions set forth in <u>Code of Ala-<br/>bama 1975</u> , as amended,<br>Section 29-1-22. |                                                 |                |                        |
| 24. | LIBRARY SERVICE,<br>ALABAMA PUBLIC:                                                                                                                     |                                                 |                |                        |
| (a) | Public Library Service<br>Program .....                                                                                                                 |                                                 |                | 6,368,211              |
|     | The appropriation to the Pub-<br>lic Library Service shall in-<br>clude a transfer to the State<br>Personnel Department of<br>\$4,812.                  |                                                 |                |                        |
|     | SOURCE OF FUNDS:                                                                                                                                        |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                         | 4,886,765                                       |                |                        |
|     | (2) Federal and Local Funds                                                                                                                             |                                                 | 1,481,446      |                        |
|     | Total Alabama Public Library<br>Service .....                                                                                                           | 4,886,765                                       | 1,481,446      | 6,368,211              |

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|     |                                                                                                                                                                                                                        | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|     |                                                                                                                                                                                                                        | ASETF                                           | Trust<br>Funds |                               |
| 25. | MARINE ENVIRONMENTAL<br>SCIENCES CONSORTIUM:                                                                                                                                                                           |                                                 |                |                               |
|     | (a) Support of Other Educational<br>Activities Program .....                                                                                                                                                           |                                                 |                | 938,803                       |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                       |                                                 |                |                               |
|     | (1) ASETF .....                                                                                                                                                                                                        | 755,553                                         |                |                               |
|     | (2) Federal and Local Funds                                                                                                                                                                                            |                                                 | 183,250        |                               |
|     | Total Marine Environmental<br>Sciences Consortium .....                                                                                                                                                                | 755,553                                         | 183,250        | 938,803                       |
| 26. | MEDICAL SCHOLARSHIPS<br>AWARDS, BOARD OF:                                                                                                                                                                              |                                                 |                |                               |
|     | (a) Support of Other Educational<br>Activities Program .....                                                                                                                                                           |                                                 |                | 677,000                       |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                       |                                                 |                |                               |
|     | (1) ASETF .....                                                                                                                                                                                                        | 677,000                                         |                |                               |
|     | Total Board of Medical Schol-<br>arships Awards .....                                                                                                                                                                  | 677,000                                         |                | 677,000                       |
|     | To be expended under the pro-<br>visions of <u>Code of Alabama</u><br>1975, as amended, Sections 16-<br>47-121 through 16-47-129.                                                                                      |                                                 |                |                               |
| 27. | MENTAL HEALTH AND<br>MENTAL RETARDATION,<br>DEPARTMENT OF:                                                                                                                                                             |                                                 |                |                               |
|     | (a) Financial Assistance<br>Program .....                                                                                                                                                                              |                                                 |                | 5,000,000                     |
|     | To be used by the Department<br>of Mental Health and Mental<br>Retardation for the education<br>of institutionalized mentally ill<br>and mentally retarded children<br>pursuant to the requirements<br>of P.L. 94-142. |                                                 |                |                               |
|     | SOURCE OF FUNDS:                                                                                                                                                                                                       |                                                 |                |                               |
|     | (1) ASETF .....                                                                                                                                                                                                        | 5,000,000                                       |                |                               |
|     | Total Department of Mental<br>Health and Mental<br>Retardation .....                                                                                                                                                   | 5,000,000                                       |                | 5,000,000                     |
| 28. | NURSING, ALABAMA BOARD<br>OF:                                                                                                                                                                                          |                                                 |                |                               |
|     | (a) Professional and Occupational<br>Licensing and Regulation<br>Program .....                                                                                                                                         |                                                 |                | 1,016,304                     |
|     | The appropriation to the Ala-<br>bama Board of Nursing shall                                                                                                                                                           |                                                 |                |                               |



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| Fund Sources Included<br>In Appropriation Total |                |                        |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br>Total |

include a transfer to the State  
Personnel Department of  
\$1,253.

**SOURCE OF FUNDS:**

|                                                                                                                                                         |        |         |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------|---------|-----------|
| (1) ASETF - Transfer - as<br>provided in <u>Code of Ala-<br/>bama 1975</u> , as amended,<br>Sections 34-21-60 through<br>34-21-63 .....                 | 57,000 |         |           |
| (2) Alabama Board of Nursing<br>Trust Fund - as provided<br>in <u>Code of Alabama 1975</u> ,<br>as amended, Sections 34-<br>21-1 through 34-21-43 ..... |        | 959,304 |           |
| Total Alabama Board of<br>Nursing .....                                                                                                                 | 57,000 | 959,304 | 1,016,304 |

**29. OPTOMETRIC SCHOLARSHIP  
AWARDS, BOARD OF:**

|                                                              |         |
|--------------------------------------------------------------|---------|
| (a) Support of Other Educational<br>Activities Program ..... | 125,000 |
|--------------------------------------------------------------|---------|

**SOURCE OF FUNDS:**

|                                                       |         |         |
|-------------------------------------------------------|---------|---------|
| (1) ASETF .....                                       | 125,000 |         |
| Total Board of Optometric<br>Scholarship Awards ..... | 125,000 | 125,000 |

To be expended under the pro-  
visions of the Code of Alabama  
1975, as amended, Sections 34-  
22-60 through 34-22-65.

**30. PEACE OFFICERS'  
STANDARDS AND TRAINING  
COMMISSION, ALABAMA:**

|                                                                                |         |
|--------------------------------------------------------------------------------|---------|
| (a) Professional and Occupational<br>Licensing and Regulation<br>Program ..... | 217,000 |
| (b) Certified Law Enforcement<br>Academy Program .....                         | 710,925 |

Of the above appropriation for  
the Certified Law Enforce-  
ment Academy Program, the  
\$410,925 of ASETF monies in-  
cluded therein shall be ex-  
pended as follows:

Jacksonville State  
University .....118,264

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| Fund Sources Included<br>In Appropriation Total                                                                                                                            |         |                |                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------------|-------------------------------|
|                                                                                                                                                                            | ASETF   | Trust<br>Funds | Appropriation<br><u>Total</u> |
| University of<br>Alabama .....118,264                                                                                                                                      |         |                |                               |
| James H. Faulkner Jr.<br>College .....118,264                                                                                                                              |         |                |                               |
| Troy State University at<br>Montgomery ..... <u>56,133</u>                                                                                                                 |         |                |                               |
| Total .....410,925                                                                                                                                                         |         |                |                               |
| The appropriation to the Ala-<br>bama Peace Officers' Stand-<br>ards and Training Commission<br>shall include a transfer to the<br>State Personnel Department of<br>\$526. |         |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                           |         |                |                               |
| (1) ASETF .....                                                                                                                                                            | 627,925 |                |                               |
| (2) Alabama Peace Officers'<br>Standards and Training<br>Fund - as provided in Code<br>of Alabama 1975, as<br>amended, Sections 36-21-<br>40 through 36-21-50 .....        |         | 300,000        |                               |
| Total Alabama Peace Officers'<br>Standards and Training<br>Commission .....                                                                                                | 627,925 | 300,000        | 927,925                       |
| 31. PHYSICAL FITNESS,<br>COMMISSION ON:                                                                                                                                    |         |                |                               |
| (a) Advisory Services Program ....                                                                                                                                         |         |                | 191,955                       |
| The appropriation to the Com-<br>mission on Physical Fitness<br>shall include a transfer to the<br>State Personnel Department of<br>\$485.                                 |         |                |                               |
| SOURCE OF FUNDS:                                                                                                                                                           |         |                |                               |
| (1) ASETF .....                                                                                                                                                            | 191,866 |                |                               |
| (2) Federal and Local Funds .....                                                                                                                                          |         | 89             |                               |
| Total Commission on Physical<br>Fitness .....                                                                                                                              | 191,866 | 89             | 191,955                       |
| 32. POSTSECONDARY<br>EDUCATION DEPARTMENT:                                                                                                                                 |         |                |                               |
| (a) Postsecondary Two-Year In-<br>stitutions Program .....                                                                                                                 |         |                | 2,548,362                     |
| The proposed spending plan for<br>the ASETF monies included in                                                                                                             |         |                |                               |

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| Fund Sources Included<br>In Appropriation Total                             |                |                               |           |
|-----------------------------------------------------------------------------|----------------|-------------------------------|-----------|
| ASETF                                                                       | Trust<br>Funds | Appropriation<br><u>Total</u> |           |
| the above program is as follows:                                            |                |                               |           |
| Chancellor's Office                                                         |                |                               |           |
| Operations .....                                                            | 942,000        |                               |           |
| Program Planning and                                                        |                |                               |           |
| Enhancement .....                                                           | 95,816         |                               |           |
| Displaced Homemakers'                                                       |                |                               |           |
| Program .....                                                               | 150,000        |                               |           |
| SOURCE OF FUNDS:                                                            |                |                               |           |
| (1) ASETF .....                                                             | 1,187,816      |                               |           |
| (2) Federal and Local Funds                                                 |                | 1,360,546                     |           |
| <hr/>                                                                       |                |                               |           |
| Total Postsecondary Education Department .....                              | 1,187,816      | 1,360,546                     | 2,548,362 |
| <hr/>                                                                       |                |                               |           |
| 33. PRISON EDUCATION                                                        |                |                               |           |
| EXPANSION -                                                                 |                |                               |           |
| POSTSECONDARY                                                               |                |                               |           |
| EDUCATION DEPARTMENT:                                                       |                |                               |           |
| (a) Postsecondary Two-Year Institutions Program .....                       |                |                               | 1,040,000 |
| SOURCE OF FUNDS:                                                            |                |                               |           |
| (1) ASETF .....                                                             | 1,000,000      |                               |           |
| (2) Federal and Local Funds                                                 |                | 40,000                        |           |
| <hr/>                                                                       |                |                               |           |
| Total Prison Education Expansion - Postsecondary Education Department ..... | 1,000,000      | 40,000                        | 1,040,000 |
| <hr/>                                                                       |                |                               |           |
| 34. RETIREMENT SYSTEM OF                                                    |                |                               |           |
| ALABAMA, EMPLOYEES'                                                         |                |                               |           |
| (ASETF SHARE):                                                              |                |                               |           |
| (a) Retirement Systems Program, Estimated .....                             |                |                               | 379,000   |
| SOURCE OF FUNDS:                                                            |                |                               |           |
| (1) ASETF - Employees' Retirement System, Estimated .....                   | 233,000        |                               |           |
| (2) ASETF - Employees' Special Pension Act 85-631, Estimated .....          | 146,000        |                               |           |
| <hr/>                                                                       |                |                               |           |
| Total Employees' Retirement System of Alabama (ASETF Share) .....           | 379,000        |                               | 379,000   |
| <hr/>                                                                       |                |                               |           |

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|     |                                                                        | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----|------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|     |                                                                        | ASETF                                           | Trust<br>Funds |                        |
| 35. | RETIREMENT SYSTEM OF<br>ALABAMA, TEACHERS'<br>(ASETF SHARE):           |                                                 |                |                        |
|     | (a) Retirement Systems Program,<br>Estimated .....                     |                                                 |                | 187,155,000            |
|     | SOURCE OF FUNDS:                                                       |                                                 |                |                        |
|     | (1) ASETF - Teachers' Re-<br>tirement System,<br>Estimated .....       | 155,955,000                                     |                |                        |
|     | (2) ASETF - Teachers' Spe-<br>cial Pension Fund,<br>Estimated .....    | 31,200,000                                      |                |                        |
|     | Total Teachers' Retirement<br>System of Alabama (ASETF<br>Share) ..... | 187,155,000                                     |                | 187,155,000            |
| 36. | SMALL BUSINESS<br>DEVELOPMENT<br>CONSORTIUM, ALABAMA:                  |                                                 |                |                        |
|     | (a) Operations and Maintenance                                         | 413,701                                         | 1,098,500      | 1,512,201              |
|     | (b) Small Business Procurement<br>System .....                         | 90,000                                          |                | 90,000                 |
|     | SOURCE OF FUNDS:                                                       |                                                 |                |                        |
|     | (1) ASETF .....                                                        | 503,701                                         |                |                        |
|     | (2) Federal and Local Funds                                            |                                                 | 1,098,500      |                        |
|     | Total Alabama Small Business<br>Development Consortium .....           | 503,701                                         | 1,098,500      | 1,602,201              |
| 37. | SOCIAL SECURITY (ASETF<br>SHARE):                                      |                                                 |                |                        |
|     | (a) For State's Share of Social Se-<br>curity, Estimated .....         |                                                 |                | 147,000,000            |
|     | SOURCE OF FUNDS:                                                       |                                                 |                |                        |
|     | (1) ASETF .....                                                        | 147,000,000                                     |                |                        |
|     | Total Social Security (ASETF<br>Share) .....                           | 147,000,000                                     |                | 147,000,000            |
| 38. | SPACE SCIENCE<br>EXHIBIT COMMISSION:                                   |                                                 |                |                        |
|     | (a) Special Services Program .....                                     |                                                 |                | 300,000                |
|     | SOURCE OF FUNDS:                                                       |                                                 |                |                        |
|     | (1) ASETF .....                                                        | 300,000                                         |                |                        |
|     | Total Space Science Exhibit<br>Commission .....                        | 300,000                                         |                | 300,000                |

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|     |                                                                                                                                                     | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|     |                                                                                                                                                     | ASETF                                           | Trust<br>Funds |                        |
| 39. | TELEPHONE REVOLVING<br>FUND (ATTNET),<br>DEPARTMENT OF FINANCE:-                                                                                    |                                                 |                |                        |
|     | (a) Administrative Support Serv-<br>ices Program, Estimated .....                                                                                   |                                                 |                | 6,700,000              |
|     | SOURCE OF FUNDS:                                                                                                                                    |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                     | 6,700,000                                       |                |                        |
|     | Total Department of Finance -<br>Telephone Revolving Fund<br>(ATTNET) .....                                                                         | 6,700,000                                       |                | 6,700,000              |
| 40. | TENURE COMMISSION,<br>STATE:                                                                                                                        |                                                 |                |                        |
|     | (a) Regulation Program .....                                                                                                                        |                                                 |                | 10,659                 |
|     | SOURCE OF FUNDS:                                                                                                                                    |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                     | 10,659                                          |                |                        |
|     | Total State Tenure<br>Commission .....                                                                                                              | 10,659                                          |                | 10,659                 |
| 41. | TELEVISION COMMISSION,<br>EDUCATIONAL:                                                                                                              |                                                 |                |                        |
|     | (a) Educational Television<br>Program .....                                                                                                         |                                                 |                | 4,179,345              |
|     | (b) Public Radio Service<br>Program .....                                                                                                           |                                                 |                | 428,089                |
|     | The appropriation to the Ed-<br>ucational Television Commis-<br>sion shall include a transfer to<br>the State Personnel Depart-<br>ment of \$7,197. |                                                 |                |                        |
|     | SOURCE OF FUNDS:                                                                                                                                    |                                                 |                |                        |
|     | (1) ASETF .....                                                                                                                                     | 2,457,434                                       |                |                        |
|     | (2) Federal and Local Funds .....                                                                                                                   |                                                 | 2,150,000      |                        |
|     | Total Educational Television<br>Commission .....                                                                                                    | 2,457,434                                       | 2,150,000      | 4,607,434              |
| 42. | UNEMPLOYMENT<br>COMPENSATION - LOCAL<br>BOARDS:                                                                                                     |                                                 |                |                        |
|     | (a) Financial Assistance<br>Program .....                                                                                                           |                                                 |                | 2,000,000              |
|     | SOURCE OF FUNDS:                                                                                                                                    |                                                 |                |                        |
|     | (1) ASETF, Estimated .....                                                                                                                          | 2,000,000                                       |                |                        |
|     | Total Unemployment Com-<br>pensation - Local Boards .....                                                                                           | 2,000,000                                       |                | 2,000,000              |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                      | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                      | ASETF                                           | Trust<br>Funds |                        |
| 43.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | VETERANS' AFFAIRS,<br>DEPARTMENT OF:                 |                                                 |                |                        |
| (a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Administration of Veterans'<br>Affairs Program ..... |                                                 |                | 4,036,960              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | SOURCE OF FUNDS:                                     |                                                 |                |                        |
| (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | ASETF - Transfer .....                               | 4,036,960                                       |                |                        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total Department of Veterans'<br>Affairs .....       | 4,036,960                                       |                | 4,036,960              |
| <p>The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of <u>Code of Alabama 1975</u>, as amended, Sections 31-6-1 through 31-6-17.</p>                   |                                                      |                                                 |                |                        |
| 44.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | YOUTH SERVICES,<br>DEPARTMENT OF:                    |                                                 |                |                        |
| (a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Youth Services Program .....                         |                                                 |                | 12,708,060             |
| <p>The above appropriation for Youth Services Program includes \$11,578,942 of ASETF monies. Of the above appropriation, \$200,000 shall be used for pilot programs in day treatment. The above appropriation shall be expended in accordance with the provisions of the <u>Code of Alabama 1975</u>, as amended, Sections 44-1-1 through 44-1-56. The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$31,659.</p> |                                                      |                                                 |                |                        |
| (b)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Financial Assistance<br>Program .....                |                                                 |                | 2,972,289              |
| <p>The above appropriation for Financial Assistance Program includes \$1,872,785 of ASETF</p>                                                                                                                                                                                                                                                                                                                                                                                        |                                                      |                                                 |                |                        |

| Fund Sources Included<br>In Appropriation Total                                                                                                                                                                                                                                                                                                                                                                                                                                |            |                |                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ASETF      | Trust<br>Funds | Appropriation<br>Total |
| monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula co-operatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, as amended, Sections 44-1-70 through 44-1-77.                                                                                                                                          |            |                |                        |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                |                        |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 13,451,727 |                |                        |
| (2) Federal and Local Funds .....                                                                                                                                                                                                                                                                                                                                                                                                                                              |            | 2,228,622      |                        |
| Total Department of Youth Services .....                                                                                                                                                                                                                                                                                                                                                                                                                                       | 13,451,727 | 2,228,622      | 15,680,349             |
| 45. RESERVE ACCOUNT - ALABAMA SPECIAL EDUCATIONAL TRUST FUND:                                                                                                                                                                                                                                                                                                                                                                                                                  |            |                |                        |
| (a) Reserve Account Program .....                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |                | 21,000,000             |
| SOURCE OF FUNDS:                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                |                        |
| (1) ASETF .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 21,000,000 |                |                        |
| Total ASETF Reserve Account .....                                                                                                                                                                                                                                                                                                                                                                                                                                              | 21,000,000 |                | 21,000,000             |
| It is the intent of the Legislature that this Reserve Account be used to guard against proration. In the event that revenues into the Alabama Special Educational Trust Fund are insufficient to fund the appropriations to the various departments, boards, offices, commissions, and agencies in this Act, the funds herein appropriated into said Alabama Special Educational Trust Fund Reserve Account shall be allotted only to the extent necessary to avoid proration. |            |                |                        |
| B. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES:                                                                                                                                                                                                                                                                                                                                                                                                                     |            |                |                        |
| Prior to release of any funds to the agencies funded under this section                                                                                                                                                                                                                                                                                                                                                                                                        |            |                |                        |

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|                                                                                                                                                                                                                                                                       |                                                                                                                               | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                                                                                                                                                       |                                                                                                                               | ASETF                                           | Trust<br>Funds |                               |
| for FY 1987-88, an operations plan<br>for FY 1986-87 and an audited fi-<br>nancial statement for all operations<br>during FY 1985-86 must be for-<br>warded to the Director of Finance.<br>It is the intent to release funds fol-<br>lowing receipt of these reports. |                                                                                                                               |                                                 |                |                               |
| 1.                                                                                                                                                                                                                                                                    | AMERICAN LEGION AND<br>AUXILIARY SCHOLARSHIPS:                                                                                |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (a) Support of Other Educational<br>Activities Program .....                                                                  |                                                 |                | 40,000                        |
|                                                                                                                                                                                                                                                                       | SOURCE OF FUNDS:                                                                                                              |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (1) ASETF .....                                                                                                               | 40,000                                          |                |                               |
|                                                                                                                                                                                                                                                                       | Total American Legion and<br>Auxiliary Scholarships .....                                                                     | 40,000                                          |                | 40,000                        |
|                                                                                                                                                                                                                                                                       | To be expended under the pro-<br>visions of <u>Code of Alabama</u><br>1975, as amended, Sections 16-<br>31-1 through 16-31-4. |                                                 |                |                               |
| 2.                                                                                                                                                                                                                                                                    | BLACK BELT HUMAN<br>RESOURCE DEVELOPMENT<br>CENTER:                                                                           |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (a) Support of Other Educational<br>Activities Program .....                                                                  |                                                 |                | 25,000                        |
|                                                                                                                                                                                                                                                                       | SOURCE OF FUNDS:                                                                                                              |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (1) ASETF .....                                                                                                               | 25,000                                          |                |                               |
|                                                                                                                                                                                                                                                                       | Total Black Belt Human Re-<br>source Development Center ....                                                                  | 25,000                                          |                | 25,000                        |
| 3.                                                                                                                                                                                                                                                                    | CHILDREN'S HOSPITAL OF<br>ALABAMA, THE:                                                                                       |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (a) Support of Other Educational<br>Activities Program .....                                                                  |                                                 |                | 500,000                       |
|                                                                                                                                                                                                                                                                       | SOURCE OF FUNDS:                                                                                                              |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (1) ASETF .....                                                                                                               | 500,000                                         |                |                               |
|                                                                                                                                                                                                                                                                       | Total The Children's Hospital<br>of Alabama .....                                                                             | 500,000                                         |                | 500,000                       |
| 4.                                                                                                                                                                                                                                                                    | COALITION AGAINST<br>DOMESTIC VIOLENCE, INC.,<br>ALABAMA:                                                                     |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (a) Social Services Program .....                                                                                             |                                                 |                | 121,127                       |
|                                                                                                                                                                                                                                                                       | SOURCE OF FUNDS:                                                                                                              |                                                 |                |                               |
|                                                                                                                                                                                                                                                                       | (1) ASETF .....                                                                                                               | 121,127                                         |                |                               |



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|                                                                                                                                  | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                                                                                  | ASETF                                           | Trust<br>Funds |                               |
| Total Alabama Coalition<br>Against Domestic Violence,<br>Inc. ....                                                               | 121,127                                         |                | 121,127                       |
| The above appropriation is to<br>be distributed according to a<br>formula to be determined by<br>the Coalition to the following: |                                                 |                |                               |
| (1) Safeplace, Inc., Florence;                                                                                                   |                                                 |                |                               |
| (2) Tuscaloosa Spouse Abuse<br>Network, Tuscaloosa;                                                                              |                                                 |                |                               |
| (3) Montgomery Area Family<br>Violence Program, Inc.,<br>Montgomery;                                                             |                                                 |                |                               |
| (4) Penelope House, Inc.,<br>Mobile;                                                                                             |                                                 |                |                               |
| (5) East Alabama Task Force<br>for Battered Women, Inc.,<br>Auburn;                                                              |                                                 |                |                               |
| (6) House of Ruth, Inc.,<br>Dothan;                                                                                              |                                                 |                |                               |
| (7) Family Violence Project,<br>Birmingham; and                                                                                  |                                                 |                |                               |
| (8) HOPE Place, Inc., Hunts-<br>ville.                                                                                           |                                                 |                |                               |
| 5. DAR SCHOOL, KATE<br>DUNCAN SMITH:                                                                                             |                                                 |                |                               |
| (a) Financial Assistance<br>Program .....                                                                                        |                                                 |                | 16,473                        |
| SOURCE OF FUNDS:                                                                                                                 |                                                 |                |                               |
| (1) ASETF .....                                                                                                                  | 16,473                                          |                |                               |
| Total Kate Duncan Smith<br>DAR School .....                                                                                      | 16,473                                          |                | 16,473                        |
| 6. DAVIS THEATRE:                                                                                                                |                                                 |                |                               |
| (a) Fine Arts Program .....                                                                                                      |                                                 |                | 100,000                       |
| SOURCE OF FUNDS:                                                                                                                 |                                                 |                |                               |
| (1) ASETF .....                                                                                                                  | 100,000                                         |                |                               |
| Total Davis Theatre .....                                                                                                        | 100,000                                         |                | 100,000                       |
| 7. EAST ALABAMA CHILD<br>DEVELOPMENT CENTER:                                                                                     |                                                 |                |                               |
| (a) Financial Assistance<br>Program .....                                                                                        |                                                 |                | 1,065,921                     |

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|                                                                            |           | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|----------------------------------------------------------------------------|-----------|-------------------------------------------------|----------------|-------------------------------|
|                                                                            |           | ASETF                                           | Trust<br>Funds |                               |
| SOURCE OF FUNDS:                                                           |           |                                                 |                |                               |
| (1) ASETF .....                                                            | 1,065,921 |                                                 |                |                               |
| Total East Alabama Child De-<br>velopment Center .....                     | 1,065,921 |                                                 |                | 1,065,921                     |
| 8. LIGHTHOUSE COUNSELING<br>CENTER, INC.:                                  |           |                                                 |                |                               |
| (a) Social Services Program .....                                          |           |                                                 |                | 6,783                         |
| SOURCE OF FUNDS:                                                           |           |                                                 |                |                               |
| (1) ASETF .....                                                            | 6,783     |                                                 |                |                               |
| Total Lighthouse Counseling<br>Center, Inc. ....                           | 6,783     |                                                 |                | 6,783                         |
| 9. OPPORTUNITIES<br>INDUSTRIALIZATION<br>CENTER, CENTRAL<br>ALABAMA:       |           |                                                 |                |                               |
| (a) Skills Enhancement and Em-<br>ployment Opportunities<br>Program .....  |           |                                                 |                | 96,902                        |
| SOURCE OF FUNDS:                                                           |           |                                                 |                |                               |
| (1) ASETF .....                                                            | 96,902    |                                                 |                |                               |
| Total Central Alabama Oppor-<br>tunities Industrialization<br>Center ..... | 96,902    |                                                 |                | 96,902                        |
| 10. SHAKESPEARE FESTIVAL,<br>ALABAMA:                                      |           |                                                 |                |                               |
| (a) Fine Arts Program .....                                                |           |                                                 |                | 750,000                       |
| SOURCE OF FUNDS:                                                           |           |                                                 |                |                               |
| (1) ASETF .....                                                            | 750,000   |                                                 |                |                               |
| Total Alabama Shakespeare<br>Festival .....                                | 750,000   |                                                 |                | 750,000                       |
| 11. SICKLE CELL EDUCATION<br>PROGRAM:                                      |           |                                                 |                |                               |
| (a) Jefferson County Sickle Cell<br>Detection Committee, Inc. ....         |           |                                                 |                | 65,648                        |
| (b) Sickle Cell Foundation of<br>Greater Montgomery, Inc. ....             |           |                                                 |                | 20,000                        |
| (c) Southeast Alabama Sickle Cell<br>Association .....                     |           |                                                 |                | 44,135                        |
| (d) West Alabama Sickle Cell<br>Foundation .....                           |           |                                                 |                | 1,890                         |

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|                                              | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|----------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                              | ASETF                                           | Trust<br>Funds |                               |
| SOURCE OF FUNDS:                             |                                                 |                |                               |
| (1) ASETF .....                              | 131,673                                         |                |                               |
| <hr/>                                        |                                                 |                |                               |
| Total Sickle Cell Education<br>Program ..... | 131,673                                         |                | 131,673                       |

**SECTION 4.**

**COLLEGES, UNIVERSITIES AND  
SCHOOLS:**

**I. BOARD OF TRUSTEES OF  
UNIVERSITY OF ALABAMA:**

**A. The University**

|                                                                          |            |            |            |
|--------------------------------------------------------------------------|------------|------------|------------|
| 1. Operations and Maintenance .....                                      | 47,992,199 | 30,713,973 | 78,706,172 |
| 2. Industrial Management and Manu-<br>facturing Technology Program ..... | 2,970,000  |            | 2,970,000  |
| 3. Center for Emotionally Disturbed<br>Children .....                    | 521,345    |            | 521,345    |
| 4. Alabama Poison Control Center .....                                   | 173,250    |            | 173,250    |
| 5. Nursing Scholarships .....                                            | 16,136     |            | 16,136     |
| 6. Advocacy Program for the Develop-<br>mentally Disabled .....          | 23,756     |            | 23,756     |
| 7. Capstone Medical Center .....                                         | 1,043,458  | 979,995    | 2,023,453  |
| 8. Alabama Museum of Natural<br>History .....                            | 279,488    | 85,400     | 364,888    |
| 9. College of Community Health<br>Sciences .....                         | 2,655,231  | 213,300    | 2,868,531  |
| 10. University Research Library .....                                    | 544,500    |            | 544,500    |
| 11. Research, Extension and Public<br>Service .....                      | 5,829,123  | 474,786    | 6,303,909  |
| 12. School of Mines and Energy<br>Development .....                      | 1,699,636  |            | 1,699,636  |
| 13. Computer Research and<br>Development .....                           | 668,250    | 544,000    | 1,212,250  |
| 14. Emergency Medical Services .....                                     | 137,784    |            | 137,784    |
| 15. Rural Infant Stimulation Environ-<br>ment Program .....              | 183,000    |            | 183,000    |
| 16. High Risk Nursery .....                                              | 111,159    |            | 111,159    |
| 17. Safe State Program .....                                             | 408,491    |            | 408,491    |
| 18. Auxiliary Enterprises .....                                          |            | 28,702,879 | 28,702,879 |
| 19. Restricted Funds .....                                               |            | 20,450,000 | 20,450,000 |

**SOURCE OF FUNDS:**

|                       |            |            |  |
|-----------------------|------------|------------|--|
| (1) ASETF .....       | 65,256,806 |            |  |
| (2) Other Funds ..... |            | 82,164,333 |  |

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|                                                                              |                                                             | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                              |                                                             | ASETF                                           | Trust<br>Funds |                        |
| Total University of Alabama                                                  |                                                             | 65,256,806                                      | 82,164,333     | 147,421,139            |
| B. University of Alabama at Birmingham                                       |                                                             |                                                 |                |                        |
| 1.                                                                           | University College .....                                    | 22,332,892                                      | 17,951,141     | 40,284,033             |
| 2.                                                                           | Family Practice Residency<br>Programs .....                 | 1,523,838                                       |                | 1,523,838              |
| The above appropriation shall be expended for residency programs as follows: |                                                             |                                                 |                |                        |
|                                                                              | Anniston .....                                              | 239,395                                         |                |                        |
|                                                                              | East End .....                                              | 239,395                                         |                |                        |
|                                                                              | Jefferson County .....                                      | 239,395                                         |                |                        |
|                                                                              | Montgomery .....                                            | 242,290                                         |                |                        |
|                                                                              | Selma .....                                                 | 323,968                                         |                |                        |
|                                                                              | Gadsden .....                                               | 239,395                                         |                |                        |
| 3.                                                                           | School of Medicine .....                                    | 24,671,497                                      | 18,713,643     | 43,385,140             |
| 4.                                                                           | University Hospitals .....                                  | 5,934,192                                       | 192,747,575    | 198,681,767            |
| 5.                                                                           | School of Optometry .....                                   | 3,447,774                                       | 2,539,774      | 5,987,548              |
| 6.                                                                           | School of Community and Allied<br>Health .....              | 3,085,820                                       | 1,685,928      | 4,771,748              |
| 7.                                                                           | Regional Technical Institute .....                          | 2,722,755                                       | 234,623        | 2,957,378              |
| 8.                                                                           | Joint Health Sciences .....                                 | 4,654,527                                       | 763,368        | 5,417,895              |
| 9.                                                                           | Department of Pediatrics and Chil-<br>dren's Hospital ..... | 1,142,525                                       |                | 1,142,525              |
| 10.                                                                          | Center for Labor Education and<br>Research .....            | 318,717                                         |                | 318,717                |
| 11.                                                                          | Student Nurses Loans .....                                  | 12,000                                          |                | 12,000                 |
| 12.                                                                          | Center for Diabetes Research .....                          | 188,794                                         |                | 188,794                |
| 13.                                                                          | Urban Research and Public<br>Service .....                  | 729,342                                         |                | 729,342                |
| 14.                                                                          | School of Dentistry .....                                   | 8,416,934                                       | 5,805,509      | 14,222,443             |
| 15.                                                                          | Nursing Scholarships .....                                  | 88,000                                          |                | 88,000                 |
| 16.                                                                          | System Medical Education<br>Program .....                   | 479,177                                         |                | 479,177                |
| 17.                                                                          | School of Nursing .....                                     | 5,673,869                                       | 1,468,802      | 7,142,671              |
| 18.                                                                          | Health Related Research and Public<br>Service .....         | 2,878,691                                       |                | 2,878,691              |
| 19.                                                                          | Public Health Research Program ....                         | 136,651                                         |                | 136,651                |
| 20.                                                                          | Emergency Medical Service and<br>Training .....             | 157,329                                         |                | 157,329                |
| 21.                                                                          | Medical Genetics Program .....                              | 439,090                                         |                | 439,090                |
| 22.                                                                          | Hypertension Research .....                                 | 380,285                                         |                | 380,285                |

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|                                                                              | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|------------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                              | ASETF                                           | Trust<br>Funds |                        |
| 23. Multipurpose Arthritis Center .....                                      | 380,285                                         |                | 380,285                |
| 24. School of Engineering and<br>Business .....                              | 189,372                                         |                | 189,372                |
| 25. School of Public Health .....                                            | 2,881,537                                       | 925,487        | 3,807,024              |
| 26. Montgomery Internal Medicine<br>Residency .....                          | 271,574                                         |                | 271,574                |
| 27. Center for Advancement of Devel-<br>oping Industries .....               | 376,388                                         |                | 376,388                |
| 28. Center for Cystic Fibrosis<br>Research .....                             | 80,912                                          |                | 80,912                 |
| 29. Center for Congenital Heart<br>Disease .....                             | 80,912                                          |                | 80,912                 |
| 30. Biomedical Engineering Sciences ....                                     | 163,239                                         |                | 163,239                |
| 31. Center for Nuclear Magnetic Reso-<br>nance Studies .....                 | 454,050                                         |                | 454,050                |
| 32. Dental/Medical Research .....                                            | 142,589                                         |                | 142,589                |
| 33. Virology Research .....                                                  | 37,232                                          |                | 37,232                 |
| 34. Neuro-Science Research .....                                             | 250,000                                         |                | 250,000                |
| 35. Geriatric Service and Research<br>Program .....                          | 1,425,888                                       |                | 1,425,888              |
| 36. Internal Medicine Development .....                                      | 227,025                                         |                | 227,025                |
| 37. Sudden Death Research .....                                              | 162,104                                         |                | 162,104                |
| 38. Research Library .....                                                   | 489,436                                         |                | 489,436                |
| 39. Research Center for Biomedical En-<br>gineering Sciences .....           | 604,900                                         |                | 604,900                |
| 40. Special Mental Health .....                                              |                                                 | 3,504,049      | 3,504,049              |
| (Of this amount, \$200,073 shall be<br>expended for Psychiatric Research)    |                                                 |                |                        |
| 41. Chauncey Sparks Center for Devel-<br>opmental and Learning Disorders ... |                                                 | 707,548        | 707,548                |
| 42. Auxiliary Enterprises .....                                              |                                                 | 9,552,124      | 9,552,124              |
| 43. Restricted Funds .....                                                   |                                                 | 64,793,000     | 64,793,000             |

**SOURCE OF FUNDS:**

|                                                    |            |             |             |
|----------------------------------------------------|------------|-------------|-------------|
| (1) ASETF .....                                    | 97,632,142 |             |             |
| (2) Special Mental Health<br>Trust Fund .....      |            | 4,211,597   |             |
| (3) Other Funds .....                              |            | 317,180,974 |             |
| Total University of Alabama at<br>Birmingham ..... | 97,632,142 | 321,392,571 | 419,024,713 |

**C. University of Alabama in Huntsville**

|                                     |            |            |            |
|-------------------------------------|------------|------------|------------|
| 1. Operations and Maintenance ..... | 12,774,063 | 10,965,139 | 23,739,202 |
| 2. Nursing Scholarships .....       | 18,000     |            | 18,000     |

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|                                                                         | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                         | ASETF                                           | Trust<br>Funds |                        |
| 3. School of Primary Medical Care .....                                 | 3,016,000                                       | 493,720        | 3,509,720              |
| 4. Kenneth E. Johnson Environmental<br>and Energy Center .....          | 378,000                                         | 161,302        | 539,302                |
| 5. UAH Medical Clinics .....                                            | 905,000                                         | 515,552        | 1,420,552              |
| 6. School of Nursing .....                                              | 1,090,500                                       | 295,840        | 1,386,340              |
| 7. Paramedic Training .....                                             | 145,000                                         | 35,000         | 180,000                |
| 8. Alabama Solar Energy Center .....                                    | 351,000                                         | 29,285         | 380,285                |
| 9. Center for High Technology Man-<br>agement and Economic Research ... | 150,000                                         |                | 150,000                |
| 10. Rural Primary Care Clerkship .....                                  | 31,600                                          |                | 31,600                 |
| 11. Research Institute .....                                            | 289,023                                         | 799,128        | 1,088,151              |
| 12. Developmental Computer<br>Education .....                           | 160,000                                         |                | 160,000                |
| 13. Center for Applied Optics .....                                     | 557,600                                         | 23,808         | 581,408                |
| 14. Center for Microgravity Science .....                               | 464,000                                         | 14,880         | 478,880                |
| 15. Center for Robotics .....                                           | 464,000                                         | 20,832         | 484,832                |
| 16. Auxiliary Enterprises .....                                         |                                                 | 2,470,000      | 2,470,000              |
| 17. Restricted Funds .....                                              |                                                 | 9,353,020      | 9,353,020              |

SOURCE OF FUNDS:

(1) ASETF ..... 20,793,786

(2) Other Funds ..... 25,177,506

Total University of Alabama in  
Huntsville .....

20,793,786 25,177,506 45,971,292

II. BOARD OF TRUSTEES OF  
ALABAMA A & M UNIVERSITY

A. Alabama A & M University

|                                                         |            |           |            |
|---------------------------------------------------------|------------|-----------|------------|
| 1. Operations and Maintenance .....                     | 10,595,624 | 6,305,003 | 16,900,627 |
| 2. Vocational Teacher Training .....                    | 266,107    |           | 266,107    |
| 3. Cooperative Extension, Research and<br>Service ..... | 399,450    |           | 399,450    |
| 4. Auxiliary Enterprises .....                          |            | 3,811,498 | 3,811,498  |
| 5. Restricted Funds .....                               |            | 7,554,080 | 7,554,080  |

SOURCE OF FUNDS:

(1) ASETF ..... 11,261,181

(2) Other Funds ..... 17,670,581

Total Alabama A & M  
University .....

11,261,181 17,670,581 28,931,762

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|                                                       |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|-------------------------------------------------------|------------|-------------------------------------------------|----------------|------------------------|
|                                                       |            | ASETF                                           | Trust<br>Funds |                        |
| III. BOARD OF TRUSTEES OF<br>ALABAMA STATE UNIVERSITY |            |                                                 |                |                        |
| A. Alabama State University                           |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                   | 10,768,936 | 3,840,575                                       | 14,609,511     |                        |
| 2. Educational Radio Station .....                    | 190,076    |                                                 | 190,076        |                        |
| 3. Public Services Program .....                      | 95,038     |                                                 | 95,038         |                        |
| 4. Auxiliary Enterprises .....                        |            | 4,371,410                                       | 4,371,410      |                        |
| 5. Restricted Funds .....                             |            | 6,924,420                                       | 6,924,420      |                        |
| SOURCE OF FUNDS:                                      |            |                                                 |                |                        |
| (1) ASETF .....                                       | 11,054,050 |                                                 |                |                        |
| (2) Other Funds .....                                 |            | 15,136,405                                      |                |                        |
| Total Alabama State<br>University .....               | 11,054,050 | 15,136,405                                      | 26,190,455     |                        |
| IV. STATE BOARD OF EDUCATION                          |            |                                                 |                |                        |
| A. Athens State College                               |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                   | 2,742,963  | 1,539,749                                       | 4,282,712      |                        |
| 2. Auxiliary Enterprises .....                        |            | 359,714                                         | 359,714        |                        |
| 3. Restricted Funds .....                             |            | 506,220                                         | 506,220        |                        |
| SOURCE OF FUNDS:                                      |            |                                                 |                |                        |
| (1) ASETF .....                                       | 2,742,963  |                                                 |                |                        |
| (2) Other Funds .....                                 |            | 2,405,683                                       |                |                        |
| Total Athens State College .....                      | 2,742,963  | 2,405,683                                       | 5,148,646      |                        |
| V. BOARD OF TRUSTEES OF<br>AUBURN UNIVERSITY          |            |                                                 |                |                        |
| A. Auburn University                                  |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                   | 52,426,405 | 47,486,880                                      | 99,913,285     |                        |
| 2. Educational Television .....                       | 368,727    |                                                 | 368,727        |                        |
| 3. Center for Vocational and Adult<br>Education ..... | 523,606    |                                                 | 523,606        |                        |
| 4. Clinical Psychology .....                          | 115,205    |                                                 | 115,205        |                        |
| 5. Ralph Draughon Library .....                       | 734,000    |                                                 | 734,000        |                        |
| 6. Engineering Experiment Station .....               | 1,116,109  |                                                 | 1,116,109      |                        |
| 7. Public Service, Research and<br>Extension .....    | 548,936    |                                                 | 548,936        |                        |
| 8. Energy Research .....                              | 269,955    |                                                 | 269,955        |                        |
| 9. Food Animal Health and Diseases<br>Research .....  | 333,900    |                                                 | 333,900        |                        |
| 10. Veterinary Teaching Hospital and<br>Clinic .....  | 270,000    |                                                 | 270,000        |                        |

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|                                                                           | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|---------------------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                                           | ASETF                                           | Trust<br>Funds |                        |
| 11. Truman Pierce Institute for the Advancement of Teacher Education .... | 90,000                                          |                | 90,000                 |
| 12. Forestry Program .....                                                | 125,000                                         |                | 125,000                |
| 13. Nursing Scholarships .....                                            | 18,000                                          |                | 18,000                 |
| 14. Advanced Manufacturing Technology Center .....                        | 400,000                                         |                | 400,000                |
| 15. Development of Genetic Engineering Applications .....                 | 400,000                                         |                | 400,000                |
| 16. Pulp and Paper Research Center ....                                   | 300,000                                         |                | 300,000                |
| 17. International Commerce and Industrial Development .....               | 200,000                                         |                | 200,000                |
| 18. Architecture and Industrial Design                                    | 100,000                                         |                | 100,000                |
| 19. College of Veterinary Medicine .....                                  | 6,876,287                                       | 1,100,000      | 7,976,287              |
| 20. Textile Engineering Department ....                                   | 100,000                                         |                | 100,000                |
| 21. Highway Research Center .....                                         | 250,000                                         |                | 250,000                |
| 22. Research Library Enhancement .....                                    | 400,000                                         |                | 400,000                |
| 23. Auxiliary Enterprises .....                                           |                                                 | 27,672,190     | 27,672,190             |
| 24. Restricted Funds .....                                                |                                                 | 18,000,000     | 18,000,000             |
| SOURCE OF FUNDS:                                                          |                                                 |                |                        |
| (1) ASETF .....                                                           | 65,966,130                                      |                |                        |
| (2) Other Funds .....                                                     |                                                 | 94,259,070     |                        |
| Total Auburn University .....                                             | 65,966,130                                      | 94,259,070     | 160,225,200            |
| B. Alabama Agricultural Experiment Station                                |                                                 |                |                        |
| 1. Operations and Maintenance .....                                       | 12,303,341                                      | 4,187,109      | 16,490,450             |
| 2. Poultry Development Program .....                                      | 475,190                                         |                | 475,190                |
| 3. Catfish Research .....                                                 | 100,000                                         |                | 100,000                |
| 4. Restricted Funds .....                                                 |                                                 | 8,174,081      | 8,174,081              |
| SOURCE OF FUNDS:                                                          |                                                 |                |                        |
| (1) ASETF .....                                                           | 12,878,531                                      |                |                        |
| (2) Other Funds .....                                                     |                                                 | 12,361,190     |                        |
| Total Alabama Agricultural Experiment Station .....                       | 12,878,531                                      | 12,361,190     | 25,239,721             |
| C. Alabama Cooperative Extension Service                                  |                                                 |                |                        |
| 1. Operations and Maintenance .....                                       | 12,898,407                                      |                | 12,898,407             |
| 2. Retirement .....                                                       | 1,871,380                                       |                | 1,871,380              |
| 3. Computer Communication System                                          | 300,000                                         |                | 300,000                |
| 4. Restricted Funds .....                                                 |                                                 | 10,122,150     | 10,122,150             |
| SOURCE OF FUNDS:                                                          |                                                 |                |                        |
| (1) ASETF .....                                                           | 15,069,787                                      |                |                        |



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|                                                                              |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|------------------------------------------------------------------------------|------------|-------------------------------------------------|----------------|------------------------|
|                                                                              |            | ASETF                                           | Trust<br>Funds |                        |
| (2) Other Funds .....                                                        |            | 10,122,150                                      |                |                        |
| Total Alabama Cooperative<br>Extension Service .....                         |            | 15,069,787                                      | 10,122,150     | 25,191,937             |
| <b>D. Auburn University at Montgomery</b>                                    |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                                          | 10,497,991 | 6,290,039                                       | 16,788,030     |                        |
| 2. Montgomery Area Community<br>Health Sciences Institute .....              | 51,321     |                                                 | 51,321         |                        |
| 3. Public Service, Research and<br>Extension .....                           | 454,282    | 250,000                                         | 704,282        |                        |
| 4. Library Enhancement .....                                                 | 80,000     |                                                 | 80,000         |                        |
| 5. Nursing Scholarships .....                                                | 18,000     |                                                 | 18,000         |                        |
| 6. Auxiliary Enterprises .....                                               |            | 2,993,067                                       | 2,993,067      |                        |
| 7. Restricted Funds .....                                                    |            | 1,726,500                                       | 1,726,500      |                        |
| SOURCE OF FUNDS:                                                             |            |                                                 |                |                        |
| (1) ASETF .....                                                              | 11,101,594 |                                                 |                |                        |
| (2) Other Funds .....                                                        |            | 11,259,606                                      |                |                        |
| Total Auburn University at<br>Montgomery .....                               | 11,101,594 | 11,259,606                                      | 22,361,200     |                        |
| <b>VI. BOARD OF TRUSTEES OF<br/>JACKSONVILLE STATE<br/>UNIVERSITY</b>        |            |                                                 |                |                        |
| <b>A. Jacksonville State University</b>                                      |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                                          | 14,725,929 | 8,360,958                                       | 23,086,887     |                        |
| 2. Gadsden Educational Program .....                                         | 339,000    | 30,000                                          | 369,000        |                        |
| 3. Nursing Scholarships .....                                                | 18,000     |                                                 | 18,000         |                        |
| 4. United Cerebral Palsy Development<br>Center for East Central Alabama .... | 107,000    |                                                 | 107,000        |                        |
| 5. Vocational Teacher Training .....                                         | 107,000    |                                                 | 107,000        |                        |
| 6. Developmental Education Project ...                                       | 189,591    |                                                 | 189,591        |                        |
| 7. Center for Economic Development                                           | 300,000    |                                                 | 300,000        |                        |
| 8. Research and Public Service .....                                         | 94,590     |                                                 | 94,590         |                        |
| 9. Community Education<br>Development .....                                  | 40,000     |                                                 | 40,000         |                        |
| 10. Sensory Impaired Postsecondary<br>Program .....                          | 94,590     |                                                 | 94,590         |                        |
| 11. Auxiliary Enterprises .....                                              |            | 2,265,103                                       | 2,265,103      |                        |
| 12. Restricted Funds .....                                                   |            | 4,165,188                                       | 4,165,188      |                        |
| SOURCE OF FUNDS:                                                             |            |                                                 |                |                        |
| (1) ASETF .....                                                              | 16,015,700 |                                                 |                |                        |

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|                                                                           |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|---------------------------------------------------------------------------|------------|-------------------------------------------------|----------------|------------------------|
|                                                                           |            | ASETF                                           | Trust<br>Funds |                        |
| (2) Other Funds .....                                                     |            | 14,821,249                                      |                |                        |
| Total Jacksonville State<br>University .....                              |            | 16,015,700                                      | 14,821,249     | 30,836,949             |
| <b>VII. BOARD OF TRUSTEES OF<br/>LIVINGSTON UNIVERSITY</b>                |            |                                                 |                |                        |
| <b>A. Livingston University</b>                                           |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                                       | 5,336,099  | 1,331,525                                       | 6,667,624      |                        |
| 2. Nursing Scholarships .....                                             | 18,000     |                                                 | 18,000         |                        |
| 3. Auxiliary Enterprises .....                                            |            | 2,109,331                                       | 2,109,331      |                        |
| 4. Restricted Funds .....                                                 |            | 592,763                                         | 592,763        |                        |
| SOURCE OF FUNDS:                                                          |            |                                                 |                |                        |
| (1) ASETF .....                                                           | 5,354,099  |                                                 |                |                        |
| (2) Other Funds .....                                                     |            | 4,033,619                                       |                |                        |
| Total Livingston University ...                                           | 5,354,099  | 4,033,619                                       | 9,387,718      |                        |
| <b>VIII. BOARD OF TRUSTEES OF<br/>UNIVERSITY OF MONTEVALLO</b>            |            |                                                 |                |                        |
| <b>A. University of Montevallo</b>                                        |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                                       | 8,012,660  | 3,097,442                                       | 11,110,102     |                        |
| 2. Center for the Study of Communi-<br>cation Science and Disorders ..... | 245,653    |                                                 | 245,653        |                        |
| 3. Alabama Traffic Safety Center .....                                    | 124,826    |                                                 | 124,826        |                        |
| 4. Mass Communication Center .....                                        | 85,942     |                                                 | 85,942         |                        |
| 5. Center for Excellence in Undergrad-<br>uate Liberal Studies .....      | 25,000     |                                                 | 25,000         |                        |
| 6. Center for Excellence in Business<br>Education .....                   | 329,883    |                                                 | 329,883        |                        |
| 7. Auxiliary Enterprises .....                                            |            | 3,437,529                                       | 3,437,529      |                        |
| 8. Restricted Funds .....                                                 |            | 1,592,927                                       | 1,592,927      |                        |
| SOURCE OF FUNDS:                                                          |            |                                                 |                |                        |
| (1) ASETF .....                                                           | 8,823,964  |                                                 |                |                        |
| (2) Other Funds .....                                                     |            | 8,127,898                                       |                |                        |
| Total University of<br>Montevallo .....                                   | 8,823,964  | 8,127,898                                       | 16,951,862     |                        |
| <b>IX. BOARD OF TRUSTEES OF<br/>UNIVERSITY OF NORTH<br/>ALABAMA</b>       |            |                                                 |                |                        |
| <b>A. University of North Alabama</b>                                     |            |                                                 |                |                        |
| 1. Operations and Maintenance .....                                       | 11,453,682 | 6,137,450                                       | 17,591,132     |                        |
| 2. Research and Public Service .....                                      | 346,889    | 8,199                                           | 355,088        |                        |

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|                                                            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br>Total |
|------------------------------------------------------------|-------------------------------------------------|----------------|------------------------|
|                                                            | ASETF                                           | Trust<br>Funds |                        |
| 3. Nursing Scholarships .....                              | 18,000                                          |                | 18,000                 |
| 4. Center for Business Productivity and<br>Relations ..... | 190,076                                         |                | 190,076                |
| 5. Developmental Computer<br>Education .....               | 95,038                                          |                | 95,038                 |
| 6. Occupational and Health<br>Laboratory .....             | 50,000                                          |                | 50,000                 |
| 7. Auxiliary Enterprises .....                             |                                                 | 1,837,005      | 1,837,005              |
| 8. Restricted Funds .....                                  |                                                 | 308,372        | 308,372                |

**SOURCE OF FUNDS:**

|                                                    |                   |                  |                   |
|----------------------------------------------------|-------------------|------------------|-------------------|
| (1) ASETF .....                                    | 12,153,685        |                  |                   |
| (2) Other Funds .....                              |                   | 8,291,026        |                   |
| <b>Total University of North<br/>Alabama .....</b> | <b>12,153,685</b> | <b>8,291,026</b> | <b>20,444,711</b> |

**X. BOARD OF TRUSTEES OF  
UNIVERSITY OF SOUTH  
ALABAMA**

**A. University of South Alabama**

|                                                                    |            |            |            |
|--------------------------------------------------------------------|------------|------------|------------|
| 1. Operations and Maintenance .....                                | 21,775,803 | 15,701,842 | 37,477,645 |
| 2. Medical Research and Public<br>Service .....                    | 285,859    |            | 285,859    |
| 3. Family Practice Residency<br>Program .....                      | 572,501    |            | 572,501    |
| 4. College of Medicine .....                                       | 11,300,335 | 11,624,512 | 22,924,847 |
| 5. Medical Center Hospital .....                                   | 1,206,232  | 55,555,363 | 56,761,595 |
| 6. Nursing Scholarships .....                                      | 18,000     |            | 18,000     |
| 7. Alabama Business and Transporta-<br>tion Program .....          | 95,038     |            | 95,038     |
| 8. Paramedic Training Program .....                                | 141,607    | 90,000     | 231,607    |
| 9. Newborn Growth and Development<br>Program .....                 | 81,432     |            | 81,432     |
| 10. Coastal Environmental and Eco-<br>nomic Services Program ..... | 95,038     |            | 95,038     |
| 11. Birth Defects and Genetic Center ...                           | 201,615    |            | 201,615    |
| 12. Research and Public Service .....                              | 93,137     |            | 93,137     |
| 13. Baldwin County Campus .....                                    | 259,454    | 225,000    | 484,454    |
| 14. Auxiliary Enterprises .....                                    |            | 7,548,292  | 7,548,292  |
| 15. Restricted Funds .....                                         |            | 10,750,000 | 10,750,000 |

**SOURCE OF FUNDS:**

|                 |            |
|-----------------|------------|
| (1) ASETF ..... | 36,126,051 |
|-----------------|------------|

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|                                                           |            | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-----------------------------------------------------------|------------|-------------------------------------------------|----------------|-------------------------------|
|                                                           |            | ASETF                                           | Trust<br>Funds |                               |
| (2) Other Funds .....                                     |            | 101,495,009                                     |                |                               |
| Total University of South<br>Alabama .....                |            | 36,126,051                                      | 101,495,009    | 137,621,060                   |
| <b>XI. BOARD OF TRUSTEES OF TROY<br/>STATE UNIVERSITY</b> |            |                                                 |                |                               |
| <b>A. Troy State University</b>                           |            |                                                 |                |                               |
| 1. Operations and Maintenance .....                       | 10,022,603 | 11,740,658                                      | 21,763,261     |                               |
| 2. Center for Environmental Research<br>and Science ..... | 200,000    |                                                 | 200,000        |                               |
| 3. Nursing Scholarships .....                             | 36,000     |                                                 | 36,000         |                               |
| 4. School of Nursing-Montgomery .....                     | 235,000    | 12,000                                          | 247,000        |                               |
| 5. Branch Campus at Phenix City .....                     | 643,619    | 295,000                                         | 938,619        |                               |
| 6. Center for Developmental<br>Education .....            | 240,000    |                                                 | 240,000        |                               |
| 7. Public Radio and Communication<br>Services .....       | 160,000    |                                                 | 160,000        |                               |
| 8. Research and Public Service .....                      | 250,000    | 320,000                                         | 570,000        |                               |
| 9. Auxiliary Enterprises .....                            |            | 4,456,500                                       | 4,456,500      |                               |
| 10. Restricted Funds .....                                |            | 712,000                                         | 712,000        |                               |
| SOURCE OF FUNDS:                                          |            |                                                 |                |                               |
| (1) ASETF .....                                           | 11,787,222 |                                                 |                |                               |
| (2) Other Funds .....                                     |            | 17,536,158                                      |                |                               |
| Total Troy State University ..                            | 11,787,222 | 17,536,158                                      | 29,323,380     |                               |
| <b>B. Troy State University at Dothan</b>                 |            |                                                 |                |                               |
| 1. Operations and Maintenance .....                       | 1,665,325  | 717,557                                         | 2,382,882      |                               |
| 2. Auxiliary Enterprises .....                            |            | 234,414                                         | 234,414        |                               |
| SOURCE OF FUNDS:                                          |            |                                                 |                |                               |
| (1) ASETF .....                                           | 1,665,325  |                                                 |                |                               |
| (2) Other Funds .....                                     |            | 951,971                                         |                |                               |
| Total Troy State University at<br>Dothan .....            | 1,665,325  | 951,971                                         | 2,617,296      |                               |
| <b>C. Troy State University in Montgomery</b>             |            |                                                 |                |                               |
| 1. Operations and Maintenance .....                       | 1,527,335  | 1,537,480                                       | 3,064,815      |                               |
| 2. Auxiliary Enterprises .....                            |            | 365,255                                         | 365,255        |                               |
| 3. Restricted Funds .....                                 |            | 199,924                                         | 199,924        |                               |
| SOURCE OF FUNDS:                                          |            |                                                 |                |                               |
| (1) ASETF .....                                           | 1,527,335  |                                                 |                |                               |
| (2) Other Funds .....                                     |            | 2,102,659                                       |                |                               |

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|                                                                               | Fund Sources Included<br>In Appropriation Total |                | Appropriation<br><u>Total</u> |
|-------------------------------------------------------------------------------|-------------------------------------------------|----------------|-------------------------------|
|                                                                               | ASETF                                           | Trust<br>Funds |                               |
| Total Troy State University in<br>Montgomery .....                            | 1,527,335                                       | 2,102,659      | 3,629,994                     |
| <b>XII. BOARD OF TRUSTEES OF<br/>ALABAMA INSTITUTE FOR<br/>DEAF AND BLIND</b> |                                                 |                |                               |
| 1. Adult Programs .....                                                       | 2,699,379                                       | 2,754,099      | 5,453,478                     |
| 2. Children and Youth Programs .....                                          | 8,215,503                                       | 1,227,115      | 9,442,618                     |
| 3. Industries for the Blind .....                                             | 821,550                                         | 12,631,198     | 13,452,748                    |
| <b>SOURCE OF FUNDS:</b>                                                       |                                                 |                |                               |
| (1) ASETF .....                                                               | 11,736,432                                      |                |                               |
| (2) Other Funds .....                                                         |                                                 | 16,612,412     |                               |
| Total Alabama Institute for<br>Deaf and Blind .....                           | 11,736,432                                      | 16,612,412     | 28,348,844                    |

**SECTION 5.**

**A. SPECIAL MENTAL HEALTH FUND:**

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama at Birmingham \$3,504,049 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama at Birmingham \$707,548 to be expended for the Chauncey Sparks Center for Developmental and Learning Disorders.

**B. ALABAMA BOARD OF NURSING TRUST FUND:**

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$959,304 to be expended for the Professional and Occupational Licensing and Regulation Program.

**C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:**

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$300,000 to be expended for the Certified Law Enforcement Academy Program.

**D. PUBLIC SCHOOL FUND:**

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There

| Fund Sources Included<br>In Appropriation Total |                |                        |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br>Total |

is hereby appropriated forty-one million dollars (\$41,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-8(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1988, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1988.

#### SECTION 6.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

#### SECTION 7.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county, municipal and educational entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Code of Alabama 1975, as amended, Section 41-5-24.

#### SECTION 8.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

#### SECTION 9.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

| Fund Sources Included<br>In Appropriation Total |                |                        |
|-------------------------------------------------|----------------|------------------------|
| ASETF                                           | Trust<br>Funds | Appropriation<br>Total |

SECTION 10.

This Act shall become effective on October 1, 1987.

On motion of Senator deGraffenried, said substitute was laid on the table.

The question then recurred on the amendment No. 2 offered by Senator Corbett.

On motion of Senator Dixon, said amendment was laid on the table.

Yeas 21; Nays 5.

*Yeas:*

|           |               |         |           |     |
|-----------|---------------|---------|-----------|-----|
| Senators: | Covington     | Foshee  | Menton    |     |
| Barron    | deGraffenried | Goodwin | Preuitt   |     |
| Bedsole   | Dial          | Hale    | Rice      |     |
| Bennett   | Dixon         | Horn    | Smith (B) |     |
| Cabaniss  | Drinkard      | Manley  | Smith (J) |     |
| Campbell  | Ellis         |         |           | —21 |

*Nays:*

|           |         |          |        |    |
|-----------|---------|----------|--------|----|
| Senators: | Corbett | Hilliard | Holmes |    |
| Bishop    | Figures |          |        | —5 |

And said Bill, H. B. 269, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 23; Nays 6.

*Yeas:*

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Covington     | Goodwin  | Manley    |     |
| Barron    | deGraffenried | Hale     | Menton    |     |
| Bedsole   | Dixon         | Hilliard | Preuitt   |     |
| Bennett   | Drinkard      | Holmes   | Rice      |     |
| Bishop    | Figures       | Horn     | Smith (B) |     |
| Campbell  | Foshee        | Langford | Smith (J) | —23 |

*Nays:*

|           |          |         |       |    |
|-----------|----------|---------|-------|----|
| Senators: | Bedford  | Corbett | Ellis |    |
| Amari     | Cabaniss | Dial    |       | —6 |

Senator Horn moved that the Senate reconsider the vote by which the Bill, H. B. 269, as amended, was passed, and further moved that his motion to reconsider be laid on the table. The motion to table prevailed.

**FURTHER CONSIDERATION OF H. J. R. 265**

The Senate proceeded to further consideration of the Resolution:

**H. J. R. 265. AMENDING SENATE JOINT RESOLUTION 18 OF THE ORGANIZATIONAL SESSION 1987 (ACT 87-19) THAT CREATED**

**AN INTERIM COMMITTEE ON FINANCES AND BUDGETS TO ALLOW THE APPOINTMENT OF SUB-COMMITTEES.**

which said Resolution was reported from Rules favorable, with amendment, and postponed on the Twentieth Legislative Day.

The Standing Committee on Rules then reported the following amendment to the Resolution, H. J. R. 265, to-wit:

**AMENDMENT TO H. J. R. 265**

For the purpose of correcting typographical and grammatical errors, H. J. R. 265 is amended as follows:

Page 1, line 35, delete the word "commmitte" and properly spell it "committee"

Page 2, line 34 delete the "s" on the word "members"

Which was adopted.

Senator Corbett offered the following amendment No. 1 to the Resolution, H. J. R. 265, as amended, to-wit:

**AMENDMENT NO. 1 TO H. J. R. 265, AS AMENDED**

Amend House Joint Resolution No. 265, Page 1, Line 23, by striking out "Provided further, the co-chairman and vice-chairman and deputy vice-chairman shall be entitled to, and shall receive the same daily legislative compensation, expense allowance, per diem and other compensation which they receive while in legislative session."

Which was adopted.

Senator Corbett then offered the following amendment No. 2 to the Resolution, H. J. R. 265, as amended, to-wit:

**AMENDMENT NO. 2 TO H. J. R. 265, AS AMENDED**

Amend H. J. R. 265 Page 2 Line 24, by striking out the entire sentence after the word "Sub-committee" and insert in lieu thereof "The Secretary of the Senate, the Clerk of the House of Representatives and or the Director of the Legislative Fiscal Office shall provide the committee with such clerical and expert assistance from among their respective staffs as may be necessary."

Which was adopted.

On motion of Senator Cabaniss, further consideration of the Resolution, H. J. R. 265, as amended, was postponed subject to the call of the Chair.

**FURTHER CONSIDERATION OF S. B. 396, AS AMENDED**

The Senate proceeded to further consideration of the Bill:

S. 396. To amend Section 40-23-61, Code of Alabama 1975, to provide that any over collection of use tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

as amended by the Rice substitute, as amended, on the Nineteenth Legislative Day, and reconsidered and postponed on the Twentieth Legislative Day.



On motion of Senator Rice, the Senate reconsidered the vote by which the Bill, S. B. 396, as amended, was ordered to its third reading.

Senator Rice then offered the following substitute No. 2 for the Bill, S. B. 396, as amended, to-wit:

**SUBSTITUTE NO. 2 FOR S. B. 396, AS AMENDED**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 40-23-61 and 40-23-63, Code of Alabama 1975, to provide that any overcollection of use tax by a retailer from the customer is to be paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 40-23-61, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-23-61. Property taxed; persons liable.

“(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property; or the amount of tax collected by the seller, whichever is greater, provided, however, when the seller follows the Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net under-collection of tax for the month, he may report the tax due or tax collected, whichever is less, except as provided in subsections (b) and (c) of this section.

“(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine; or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net under-collection of tax for the month, he may report the tax due or tax collected, whichever is less; provided, that the term ‘machine,’ as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of one and one-half percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer; or the amount of tax collected by the seller,

whichever is greater, provided, however, when the seller follows the Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

“(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this section apply.”

Section 2. Section 40-23-63, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-23-63. Agricultural machinery or equipment—Tax imposed; rate; who liable.

“There is hereby levied and imposed an excise tax on the storage, use or other consumption in this state of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, live-stock or poultry, or farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after October 1, 1966, for storage, use or other consumption in this state, at the rate of one and one-half percent of the sales price of such property; or the amount of tax collected by the seller, whichever is greater, provided, however, when the seller follows the Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected whichever is less, regardless of whether the retailer is or is not engaged in business in this state. The tax herein levied and imposed shall be in lieu of the excise tax levied and imposed by section 40-23-61; provided, that the one and one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle

or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

“Every person storing, using or otherwise consuming in this state such tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department of revenue under such rules and regulations as the commissioner of revenue may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.”

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

|           |               |          |           |     |
|-----------|---------------|----------|-----------|-----|
| Senators: | Cabaniss      | Ellis    | Manley    |     |
| Bedford   | Campbell      | Figures  | Rice      |     |
| Bedsole   | Corbett       | Foshee   | Sanders   |     |
| Bennett   | deGraffenried | Horn     | Smith (J) |     |
| Bishop    | Dixon         | Langford |           | —18 |

Nays: —0

And said Bill, S. B. 396, as thus amended by substitute No. 2, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

|           |               |         |          |     |
|-----------|---------------|---------|----------|-----|
| Senators: | Cabaniss      | Ellis   | Langford |     |
| Bedford   | Campbell      | Figures | Manley   |     |
| Bedsole   | Corbett       | Foshee  | Rice     |     |
| Bennett   | deGraffenried | Hale    | Sanders  |     |
| Bishop    | Dixon         | Horn    |          | —18 |

Nays: —0

#### FURTHER CONSIDERATION OF S. B. 397, AS AMENDED

The Senate proceeded to further consideration of the Bill:

S. 397. To amend Section 40-23-2, Code of Alabama 1975, to provide that any over collection of sales tax by a retailer from the customer is paid

over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

as amended by the Rice substitute and postponed on the Nineteenth Legislative Day.

Senator Rice then offered the following substitute No. 2 for the Bill, S. B. 397, as amended, to-wit:

## **SUBSTITUTE NO. 2 FOR S. B. 397, AS AMENDED**

### **A BILL TO BE ENTITLED AN ACT**

To amend Sections 40-23-2 and 40-23-37, Code of Alabama 1975, to provide that any overcollection of sales tax by a retailer from the customer is paid over to the state and not retained by the retailer as a windfall to enhance the net profits of the business.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 40-23-2, Code of Alabama 1975, is hereby amended to read as follows:

“§40-23-2. Tax levied on gross receipts.

“There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

“(1) Upon every person, firm, or corporation, (including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to four percent of the gross proceeds of sales of the business or the amount of tax collected by the retailer, whichever is greater, provided, however, when the retailer follows the Department of Revenue's suggested sales tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected whichever is less, except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as as retailer, on the gross sales of the business.

“Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of

trades, as a credit or part payment on the sale of a new or rebuilt part of tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

“(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the state of Alabama, an amount equal to four percent of the gross receipts of any such business or the amount of tax collected by the retailer, whichever is greater, provided, however, when the retailer follows the Department of Revenue's suggested sales tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected whichever is less.

“(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; or the amount of tax collected by the retailer, whichever is greater; provided, however, when the retailer follows the Department of Revenue's suggested sales tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected whichever is less; and provided, that the term 'machines,' as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to one and one-half percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer, or house trailer, or the amount of tax collected by the retailer, whichever is greater, provided, however, when the retailer follows the Department of Revenue's suggested sales tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected whichever is less; and provided, however, where a person subject to the tax provided for in this subdivision withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of

the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

"Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business."

Section 2. Section 40-23-37, Code of Alabama 1975, is hereby amended to read as follows:

"§40-23-37. Agricultural machinery and equipment—Tax imposed; rate.

"There is hereby levied, in lieu of the state sales tax levied by section 40-23-2, a privilege or license tax against the person on account of the business activities engaged in and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be as follows:

"Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one and one-half percent of the gross proceeds of the sale thereof; or the amount of tax collected by the retailer, whichever is greater, provided, however, when the retailer follows the Department of Revenue's suggested sales tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected whichever is less; and provided, that the one and one-half percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment

on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |          |     |
|-----------|---------------|----------|----------|-----|
| Senators: | Campbell      | Figures  | Langford |     |
| Bedsole   | Corbett       | Foshee   | Manley   |     |
| Bennett   | deGraffenried | Hale     | Rice     |     |
| Bishop    | Dixon         | Hilliard | Sanders  |     |
| Cabaniss  | Ellis         | Horn     |          | —18 |

*Nays:* —0

And said Bill, S. B. 397, as thus amended by substitute No. 2, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

*Yeas:*

|           |               |          |          |     |
|-----------|---------------|----------|----------|-----|
| Senators: | Cabaniss      | Ellis    | Horn     |     |
| Bedford   | Campbell      | Foshee   | Langford |     |
| Bedsole   | Corbett       | Hale     | Rice     |     |
| Bennett   | deGraffenried | Hilliard | Sanders  |     |
| Bishop    | Dixon         | Holmes   |          | —18 |

*Nays:* —0

### MOTION IN WRITING

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, H. B. 242, on page 115 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 242, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION RECONSIDERED

On motion of Senator Bishop, the Senate reconsidered the vote by which the Resolution, S. R. 150, was adopted.

On motion of Senator Bishop, said Resolution was laid on the table.

### **MOTION TO ADJOURN LOST**

At 3:45 P.M., Senator Bishop moved that the Senate adjourn until Thursday, June 25, 1987, at 11 o'clock A.M., which motion was lost.

### **BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., S. B. 162.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 365. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

JIM SMITH,  
Chairperson.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and Secretary of State, with the date and hour of delivery, to-wit:

|          |              |              |
|----------|--------------|--------------|
| S. B. 41 | S. J. R. 112 | S. J. R. 118 |
|----------|--------------|--------------|

|              |              |  |
|--------------|--------------|--|
| S. J. R. 108 | S. J. R. 115 |  |
|--------------|--------------|--|

Delivered to the Governor, June 23, 1987, at 4:45 P.M.

|           |           |  |
|-----------|-----------|--|
| S. B. 368 | S. B. 399 |  |
|-----------|-----------|--|

Delivered to the Governor, June 23, 1987, at 5:50 P.M.

|           |           |           |
|-----------|-----------|-----------|
| S. B. 398 | S. B. 409 | S. B. 411 |
|-----------|-----------|-----------|

|           |           |  |
|-----------|-----------|--|
| S. B. 406 | S. B. 410 |  |
|-----------|-----------|--|

Delivered to the Secretary of State, June 24, 1987, at 8:45 A.M.

McDOWELL LEE,  
Secretary of Senate.



**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 3:55 P.M., on motion of Senator Bishop, pending further consideration of B. I. R., S. B. 162, the Senate adjourned until Thursday, June 25, 1987, at 10 o'clock A.M.

Yeas 11; Nays 9.

*Yeas:*

|           |          |        |          |     |
|-----------|----------|--------|----------|-----|
| Senators: | Bishop   | Dixon  | Langford |     |
| Bedford   | Campbell | Foshee | Manley   |     |
| Bennett   | Corbett  | Hale   | Rice     | —11 |

*Nays:*

|           |          |         |           |    |
|-----------|----------|---------|-----------|----|
| Senators: | Cabaniss | Holmes  | Sanders   |    |
| Barron    | Dial     | Preuitt | Smith (J) |    |
| Bedsale   | Drinkard |         |           | —9 |

